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THE COLOR LINE IN OHIO

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THE COLOR LINE IN OHIO

THE COLOR LINE IN OHIO

A History of Race Prejudice in a Typical Northern State.

By

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A Thesis submitted to the Faculty of the Department of Literature, Science, and the Arts, of the University of Michigan in partial fulfillment of the requirements for the degree of Doctor of Philosophy.

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WHO HOWEVER PROSPEROUS CAN NEVER
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PREFACE.

Eight years ago while a student doing post-graduate work in Harvard University, I received from Professor Albert Bushnell Hart the inspiration to investigate the feeling of the people of the North toward the negroes living amongst them. I wrote out at first a brief story of the treatment of the negroes in my home town in Ohio. At the suggestion of Professor Hart this article was submitted to *The Independent* and published. Soon it was copied in scores of newspapers throughout the country, giving evidence that the treatment of the negroes was of great interest to the American people.

From the publication of the above article until the present time I have been a student of this particular phase of the negro question. For five years I have been carrying on my investigations under the supervision of Professor Claude H. Van Tyne, of the department of History in the University of Michigan. For the history of the feeling against the negro I have had recourse to many good libraries, the best of which I found to be the Ohio State Library at Columbus, Ohio, in which I spent many profitable weeks. For the knowledge of present day conditions I have depended upon an original or "first-hand" investigation, travelling about for months and interviewing many hundreds of white and colored men.

The book is divided into two parts, Part I giving the history of the feeling toward the negro, and Part II showing present day conditions. Either part may be read first. The casual reader will probably find more interest in the book if he reads Part II first.

In these pages there will be found, I hope, no defense of race prejudice or sentimental regard for the negroes. The book will portray conditions only, and for this reason will appeal for its readers to a wider

public. The author of this book is descended on his mother's side from the Pennsylvania Dutch and on his father's side from Virginia English. He was born and brought up on the north bank of the Ohio River, while many of his relatives lived just across the river in "Dixie Land," where he often visited. He is a native of the great State of Ohio which led in the anti-slavery crusade, but which now in its treatment of the liberated blacks is like so many of the other Northern States—in a way to be developed in the following pages.

For these and other reasons the author hopes to be able to narrate facts about the treatment of the negro in the North without a partisan temper or a biased mind.

I am indebted to hundreds of people in various parts of the States of Ohio, Indiana, Illinois and Michigan, for the information in this book. But I desire to express my special obligations to Professor A. B. Hart of Harvard University for getting me started on the work, to Professor U. B. Phillips, of the University of Michigan, for reading the proof and making many valuable suggestions, to Mr. C. B. Galbreath, of the Ohio State Library for most courteous treatment during the time spent with him in the summer of 1909, to my wife for the many hours spent in tedious work upon the maps, and for many most valuable suggestions, and to *The Independent,* of New York City, for the privilege of incorporating in this book several articles written by the author and published in that excellent magazine during the last few years. To Professor Claude H. Van Tyne, of the University of Michigan, who has for five years encouraged me at every step of the way but who has not been content with anything but what he considered thorough, I acknowledge my deepest obligations.

FRANK U. QUILLIN.

Galesburg, Illinois, September, 1912.

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INTRODUCTION.

This book was written as the fruit of an investigation of race relations in the history of Ohio. It contains generalizations which I consider important and which at the time I reached them I thought were original contributions as well as independent conclusions. They had been forced upon me by the weight of the facts revealed by my own investigations in Ohio, and were not obtained from the works of other writers. One of the readers of my manuscript, a Southern gentleman, who had made an extensive study of the race question kindly pointed out that many of my conclusions were familiar to the special students of the negro problem. I then looked more deeply into the literature bearing upon the larger phases of race relations. Among other works, I read a book written by a Southerner living in the "black belt," a book entitled *Studies in the American Race Problem* by Alfred Holt Stone, which not only contains my "important conclusions" but which emphasizes them as his important conclusions; he a planter in the far Southern State of Mississippi and I a school-master in the most northern State of the Northwest Territory; he, after fifteen years' study of the relation of the white and colored races throughout America, and I after studying for several years the feeling between the races in one of the largest of the Northern States, come to these conclusions: 1. That the prejudice of the white man against the negro increases according to the growth of the negro population; 2. That the average negro is worse off in the North than in the South because he is here so completely shut out from the more advantageous industrial opportunities; 3. That social equality between the races in the North as well as in the South is a myth; 4. That civil rights for whites and negroes in the North are the same tech-

nically, but that actual discriminations are just as numerous as in any Southern State; 5. That there is much more prejudice against the negro race today than there was at the close of the Civil War; 6. That it is essential to the Northern man, if he would really know the truth of his own section, to get it from the lips and hearts of the colored people themselves.

Although I have been disillusioned as to some of my conclusions being discoveries I am more than satisfied for the sake of truth and harmony to find that the same conclusions have been arrived at by another, and he a Southerner. The conclusions arrived at by such independent investigations must necessarily have greater significance for those who desire a mutual understanding between the North and the South on this important race question. As Mr. Stone says, "There would be precious little room for misunderstanding between us here, if each of us were only more thoroughly acquainted with his own and the other's ground."[1] "We would do well to sweep our own doorsteps before calling attention to the condition of our neighbor's. It is a fundamental principle of every proceeding in equity that the complainant come into court with clean hands."[2]

Before proceeding with the discussion of prejudice in the abstract let us Northerners "sweep our own doorsteps," let us "come into court with clean hands." A picture drawn by another Southern writer to show racial discriminations in the South requires but slight retouching to portray conditions in Ohio. Here the public places of honor and profit, which are open to every white man, have been and are closed to the black man as by iron doors. In the learned professions, in the direction of corporate enterprises and important industrial agencies, in the higher industrial and mechanical occupations, even in the factories and

[1] Stone, *American Race Problem*, 23.
[2] Stone, *American Race Problem*, 34.

workshops, where some small degree of skill and intelligence is required of the operatives, he has had and now has no standing or place whatever among white men. As a professor, teacher, merchant, lawyer, physician, journalist, he receives some little countenance and patronage from his own race, and he looks for no other; porter, drayman, hod-carrier, coachman, butler, barber, cook or waiter, he may be at pleasure, and find service; but when in touch with the whites it is ever the service of the inferior to the superior that is exacted from him.

The negro is admitted to some hotels and other public resorts; but his place is on his feet while there, or is fixed apart by some special provision in his behalf. He cannot sit at the table, public or private, with a white man. If he attends the white man's church (which he seldom does), he is assigned a place where he will have much more space than he really needs for comfort. He has no seat in the congregation and none at the communion table. He is excluded without ceremony from the councils of the laity. He is sexton and organ-blower and bell-ringer. His position in the household of faith is the same as in the household of fashion,—that of a door-keeper and servitor. In the theater and the circus, the camp-meeting and the court-room, the hospital and the prison, the cemetery and the potter's field, his place is his alone, and is readily located. Wherever he goes or stays, works or worships, plays or suffers, lives or dies, the lines are drawn sharply around and about him, and there is no transgressing them—from his side.

The two races have been and are utterly separated. As the Cincinnati (Ohio) *Commercial Gazette* of June 15, 1889, said: "The color-line is everywhere. It is in every church. It is in society. It is in politics. And there is no class that knows this better than the colored people.....There may be a sentiment in favor of wiping out the color-line, but it is not honest."

Exceptions there are to all the above restrictions on the negroes, but we are concerned not with exceptions but with general conditions,—with the views of the white people in general toward the negroes dwelling in their midst, and with the adjustments resulting.

Some readers will say that this picture is overdrawn, others will say that it is wholly untrue. I was born and reared in Ohio. I love her as I love no other State, and I have no reason whatever for misrepresenting her. I shall give the facts as I found them.

Ohio is not alone among the Northern States in her discriminations against the negro race. "There is not a State in the Union, from Massachusetts to California, which through some element of its population, does not today, somewhere within its borders, in some way discriminate against the negro race. The laws and customs of every State, from the beginning until this hour, have been influenced by the factor of the relative numerical strength of the negro."[1] As Mr. Stone goes on to say, wherever the negro population increases in numbers there you may find the discriminations also increasing. Ohio is but typical of all the Northern States and for this reason I entitle this book *The Color Line In Ohio, a History of Race Prejudice in a Typical Northern State.*

"On the evening of December 17, 1855, there assembled a gathering of the colored citizens of the city of Boston to do honor to a member of their race. The man was William C. Nell. The occasion was the presentation to him of a testimonial of appreciation of his labors in behalf of the removal of the color line from the public schools of Boston. The event commemorated the crowning achievement of a purpose formed and work begun some twenty-six years before. It marked the close of a quarter century of patient and unremitting struggle with established law and custom. The meeting was made memorable by the pres-

[1] Stone, *American Race Problem*, 13.

ence of such men as Wendell Phillips and William Lloyd Garrison, who rejoiced with their colored brethren that "the prejudice against color was dying out." This was the keynote of all the addresses made—the faith that the final surrender of this long-stormed citadel marked the passing of the prejudice of race.

"Fifty-two years later, in November, 1907, a great concourse of Boston's colored citizens assembled in Faneuil Hall to protest against the steady and wide increase of race prejudice in America. The meeting was addressed by the gray-haired son of the great abolitionist, in tones which were far from sounding an echo of the hopeful, long forgotten words of his father."[4]

It was not in the South that one of the most sensitive and most cultured men identified with the negro race, W. E. DuBois, was first made to realize that he "was different from the others." It was away up in the hills of New England where he was made to feel the presence of "the shadow of the veil,"[5] when a white girl schoolmate refused his card with a significant glance.

In 1842 in the State of Massachusetts we find negroes excluded altogther from the cars on the New Bedford Traction Railroad.[6] In 1905 in the same State we find a clause in the warrant for the "town meeting" of Marion. providing for a vote on the question of employing only white men on town work.[7] In a town of northern Indiana in 1907 the proprietor of the leading hotel permitted a negro to sit down at the table with white customers, and as a result the travelling men and others boycotted the hotel and it was forced to close. In a contribution to a leading negro magazine a Southern negro in relating his experiences

[4] Stone, *American Race Problem*, 211-212.
[5] DuBois, *The Souls of Black Folk*, 2.
[6] Samuel J. May, *Some Recollections of our Anti-Slavery Conflict*, 399. Quoted by Stone, *American Race Problem*, 67.
[7] Stone, *American Race Problem*, 7.

in a Northern university says that he found "not an ounce more of opposition" from Southern than from Northern students, but describes the former as more "frank" and the latter more "secretive" in their social atitudes.[8] In virtually all the States of the North there are cities which provide for the separate education of the black and white children. President Emeritus Eliot, of Harvard, says, "In Northern towns, where negro children are proportionally numerous there is just the same tendency and desire to separate them from the whites as there is in the South. This separation may be effected by public regulations, but, if not, it will be effected by white parents procuring the transfer of their children to schools where negroes are few."[9]

Many things might be mentioned here to show the truth of Mr. Stone's statements when he says, "A contention that the negro is treated as an equal in the North is not often made by sensible men, and it cannot be supported by facts. It is idle to point to a mulatto upon whom Harvard has conferred a degree, or to one whom a G.A.R. post has elected its commander, and say to the world: 'Here we tolerate no racial discriminations.' The negro knows better, whether he considers the discrimination in either its social, political or economic aspect."[10]

Having taken this hasty view of the social position of the negro in the North let us now turn to the industrial phase of his life in this section, and compare it with his treatment in the South. It has often been stated by people in the North that the negro is not given a fair industrial opportunity in the South. The negroes themselves are almost unanimous in saying that lack of industrial opportunity is found in the

[8] William Pickens, *The Voice of the Negro*, April, 1905, pp. 235, 236. Quoted by Stone in *American Race Problem*, 23.

[9] *The Work and Influence of Hampton*, 1904, p. 9. Quoted by Stone, *American Race Problem*, 68.

[10] Stone, *American Race Problem*, 23.

North more than in the South because the Northerners, especially trades-union people, will not think of working with them. As the negroes are the ones that bear the burdens of this prejudice it would seem that they ought to know whereof they speak. Booker T. Washington, in a plea for industrial education and opportunity, says: "No one can fully appreciate what I am saying who has not walked the streets of a Northern city day after day seeking employment, only to find every door closed against him on account of his color, except in menial service."[11] On the other hand, he says: "Whatever other sins the South may be called upon to bear, when it comes to business, pure and simple, it is in the South that the negro is given a man's chance in the commercial world."[12]

The Bulletin of the Inter-Municipal Committee on Household Research is authority for the statement that the Boston Reform League has been unable to secure an equal chance for colored girls in obtaining employment, and cannot secure places for more than half who apply. "Negroes who specialize in housework duplicate the experience of a colored butler for whom the league tried for three months to find a place, but without success. He was neat in his person and good looking, and was highly recommended. He stated that he had answered, in all, two hundred advertisements, but he was invariably refused the position simply because he was a colored man. It is not surprising, therefore, that on leaving Boston to return to New York, he said: 'These Boston people beat me. They will have mass-meetings and raise money to help Mr. Washington educate the 'niggers' down South, but they will let a decent Northerner starve before they will give him a chance to earn an honest living."[13]

[11] Washington, *Future of the American Negro*, 76.
[12] Washington, *Up From Slavery*, 219-220.
[13] Bulletin, New York City, May 1905, p. 15. Quoted by Stone, *American Race Problem*, 161.

Dr. William N. D. Berry, for many years pastor of a Colored Congregational Church in Springfield, Mass., says that 86 per cent of the colored labor in his city on January 1, 1905, was confined to the lower strata of industry, because the large number fitted for other occupations were "debarred by pure race prejudice," which has closed the door of industrial opportunity against these men as a class," they suffering "a merciless industrial ostracism which shuts out the capapble and worthy negro because God chose to create him black." And Dr. Berry says that his study of conditions in Springfield should be "of more than local significance, inasmuch as the situation here in Springfield is fairly typical of the black man's condition throughout the North."[14]

Dr. Du Bois in *The Philadelphia Negro* says, "It is a paradox of the times that young men and women from some of the best negro families of the city.. have actually had to go to the South to get work, if they wished to be aught but chambermaids and bootblacks."[15]

The one great primal right of man is the right to labor and to live; the right to have the proper wage of skill; the right to toil wherever human needs make work for human hands. Here is the foundation upon which the family is reared. This is the "door of hope," upon whose closing follow idleness and crime, destitution and vice, vagrancy and death, for the masses of the race. The South has been much accused of closing the "door of hope" to the negroes. According to the testimony of the sufferers themselves we of the North are surely far from gniltless in this respect in our relations with them.

The first five chapters of this book will give a pic- of the status of the negro in Ohio before the Civil War, with especial attention to the legal obstacles put in his

[14] Springfield *Weekly Republican*, Feb. 10, 1905.
[15] *The Philadelphia Negro* 1899, pp. 395-396.

way to keep him out of the State and to keep him down after he once got into the State. These obstacles were the laws commonly known as the "Black Laws." These laws were found in every Northern State but were of varying degrees of rigor. They segregated the negroes as an inferior class under grave social, civil, and political disabilities. Without going into details, it may be said that in the Northwest free negroes could not testify against a white, serve on juries, vote, or send their children to the public schools; they were forbidden, in some cases, to enter the State without giving bonds against their becoming paupers. Indiana in 1851 by an enormous majority, the vote standing 108,513 to 20,951, decreed that all negroes should be excluded from coming into the State.[16] Illinois on June 17, 1862, gave a majority of 100,590 out of a total of 243, 202 votes cast on the proposition, in favor of the continued exclusion of the negro from Illinois. Other States of the North excluded the negro and none of them wanted him.

Suffrage was denied to the negro in almost all the Northern States before the Civil War. When the Fifteenth Amendment was adopted in 1870 the negro could vote nowhere in the United States except in New York and five of the New England States. Connecticut, Minnesota, Wisconsin, and Colorado in 1865 voted on the question of giving the franchise to negroes, and in each case it was decided in the negative.

Many things more might be mentioned here, such as the treatment of the negroes in New York City during the draft riots of 1863 and the Springfield, Illinois, race riots of very recent years, to show that in the North generally there has been and still is the same race prejudice as in the State of Ohio with which this book is particularly concerned. With the author of *Studies in the American Race Problem* I believe

[16] *Indiana Statesman*, Sept. 3, 1851.

that "the people of this country cannot forever misunderstand each other over this racial problem, —and in all this I hold no firmer conviction than that the greatest beneficiary of a better knowledge of each other by American white men will be the American negro." In this book I mean to take no attitude favoring North or South, white man or black man, but I endeavor to take the attitude of the scholar seeking truth for truth's sake. Sometimes this truth will make the white man blush, and sometimes it will make the colored man hang his head. But in both cases the final result must for many reasons be beneficial. The joy and satisfaction expressed by so many of the colored people whom I interviewed over the prospect of having the whole truth revealed by a writer of the white race furnished the biggest surprise of my whole investigation. The following excerpts from letters written to the author by Mr. F. D. Patterson, a large and prosperous carriage manufacturer of Greenfield, Ohio, and a graduate of the Ohio State University, will show the attitude of the better class of the negro race: "If it is encouragement to you to know that your work is not only appreciated by us but is also needed by our entire State and Nation, black and white, you have every reason to feel encouraged. The man who can tell the whole truth, the real truth, and get it read, is the one we most need now. We think sometimes that writers on both sides shrink from the whole truth. Men of our race simply will not see and appreciate our own shortcomings and limitations, and the undoubted "drag" we are at this present time. A few even go further like Mr. Washington and then we "blush." Men of your race insist on confusing the issue in order that they may not see. It is an unpleasant duty to be sure you have before you, but it is necessary. Indeed, it is *an opportunity* for your race that only a few such men as yourself will succeed

in saving and improving for your race. The man who strips the subject "naked' and tells the truth is the man. We will all catch up with him in a few years and will appreciate him then if not now. We desire one-half dozen copies of your book."

PART I

THE HISTORICAL DEVELOPMENT

CHAPTER I.

FEELING TOWARD THE NEGRO IN THE CONSTITUTIONAL CONVENTION, 1802.

The first constitutional convention for the State of Ohio assembled in the town of Chillicothe on the first Monday in November, 1802. The minutes[1] of this convention are very brief and probably very incomplete, but from them we can easily see that the negro and his status in the new State were very important issues.

Six different motions relating to the negroes were voted upon, and each one of these resulted in a close vote, the ayes and nays being recorded in each instance. We shall consider them separately and in the order of their appearance in the convention.

The committee on electoral qualifications reported and granted suffrage only to the "white male inhabitants."[2] A motion was immediately made to strike out the word "white." This motion was lost by a vote of 14 to 19.

A second motion was then made to grant suffrage to those negroes only who were then resident in the State if within a specified time they made a record of their citizenship. This motion was carried, the vote being almost the reverse of that of the preceding motion, standing 19 to 15.

The friends of the negro now took heart and immediately introduced another motion to this effect:

[1] *Journal of Const. Con.* 1802. Reprinted in index to Senate Journal of 1827.

[2] *Journal of Const. Con.* 1802. Nov. 22.

"Provided that the male descendants of such male negroes and mulattoes as shall be recorded shall be entitled to the same privilege." This motion was lost by one vote, 17 voting against it and 16 in its favor.

A fourth motion on the negro question was then made in the following words: "No negro or mulatto shall ever be eligible to any office, civil or military, or give their oath in any court of justice against a white person, be subject to do military duty, or pay a poll tax in this State: Provided always and it is fully understood and declared that all negroes and mulattoes, now in, or who may hereafter reside in this State, shall be entitled to all the privileges of citizens of this State, not excepted by this constitution." This motion was carried by a vote of 19 to 16.

A fifth motion was then made to rescind the action taken on the second motion, previously mentioned, where by a vote of 19 to 15 they had given the right to vote to colored men resident in Ohio if they should make record of their citizenship by a certain time. The vote on this motion to rescind was a tie, 17 yeas and 17 nays. By the deciding vote of the president, Edward Tiffin, the motion carried, and the negro was thereby completely excluded from the voting privilege.

A sixth motion followed, having as its object the blotting out of the action in the fourth motion, whereby the negro was declared forever ineligible to any office, civil or military, barred from giving oath against a white person, etc. This motion carried by one vote, yeas 17, nays 16.

The discussions regarding the status of the negro were becoming so warm and the two sides were so evenly balanced that fears were entertained that the object of their coming together would be wholly defeated. This, according to Burnett, so frightened the members of the convention that they abandoned all the propositions that had been made, and proceeded to form a constitution having no direct reference to

the status of the negro, but embracing only the free white population, who alone were represented in the body.[3]

The wisdom, or necessity, of this move will be plainly seen when we look for a moment at the votes recorded on the six above-mentioned motions. There were 201 votes cast. 99 were in the interest of the negro, and 102 votes were against him. There were *twelve* members of the convention that voted *for* him on every one of the six motions, and *thirteen* members who voted *against* him on all six. So there were three more votes cast against him than for him, and there was one more of those who stood solidly against him than there were of those who remained constantly for him.

This is important, as showing the feeling toward the negro as a man, a free man, one century ago. Should he receive the rights and privileges as citizens that were enjoyed without question by the worst of the white race? This convention of representative men decided that he should not.

So far we have considered the feelings of the convention toward the negro as a prospective citizen. We shall now look into what they thought of putting him in slavery. One would hardly think that a proposition to establish slavery in one of the States of the Northwest Territory, which had been declared free forever, would be entertained so soon after the decisive vote on the Northwest Ordinance. But it was entertained and even came within one vote of passing the convention. Many maintained that the provisions of the Ordinance of 1787 were binding on the district only as a territory and, consequently, that Ohio, as a State, was free to determine for herself whether she should admit or exclude slavery.[4] There were others

[3] Burnett's *Notes on Northwest Territory*, 355.

[4] This view in more recent years is accepted generally as the correct one.

who thought that the growth of the State would be greatly quickened by allowing Southern planters to immigrate with their slaves; hence they desired to sanction slavery for a term of years.

The question of slavery first arose in the committee on the formation of a bill of rights, of which John W. Brown of Hamilton county was the chairman. Mr. Brown submitted the following statement to the committee: "No person shall be held in slavery, if a male, after he is thirty-five years of age; or, if a female, after twenty-five years of age."[5]

Ephraim Cutler, a member of this committee, moved that this section be laid on the table until the next meeting of the committee, and suggested that each member of the committee, "to avoid any warmth of feeling," should prepare a section in writing which would express fully his views upon the subject. The committee met again the next morning, and Judge Cutler, being called upon for his statement of the section, read to them as follows:

"There shall be neither slavery nor involuntary servitude in this State, otherwise than for punishment of crimes whereof the party shall have been duly convicted; Nor shall any male person, arrived at the age of twenty-one years, or female person, arrived at the age of eighteen years, be held to serve any person as a servant, under pretense of indenture or otherwise, unless such person shall enter into such indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration received for their service, except as before excepted. Nor shall any indenture of any negro or mulatto, hereafter made and executed out of the State, or if made in the State, where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships."[6]

This wording of the section, completely prohibit-

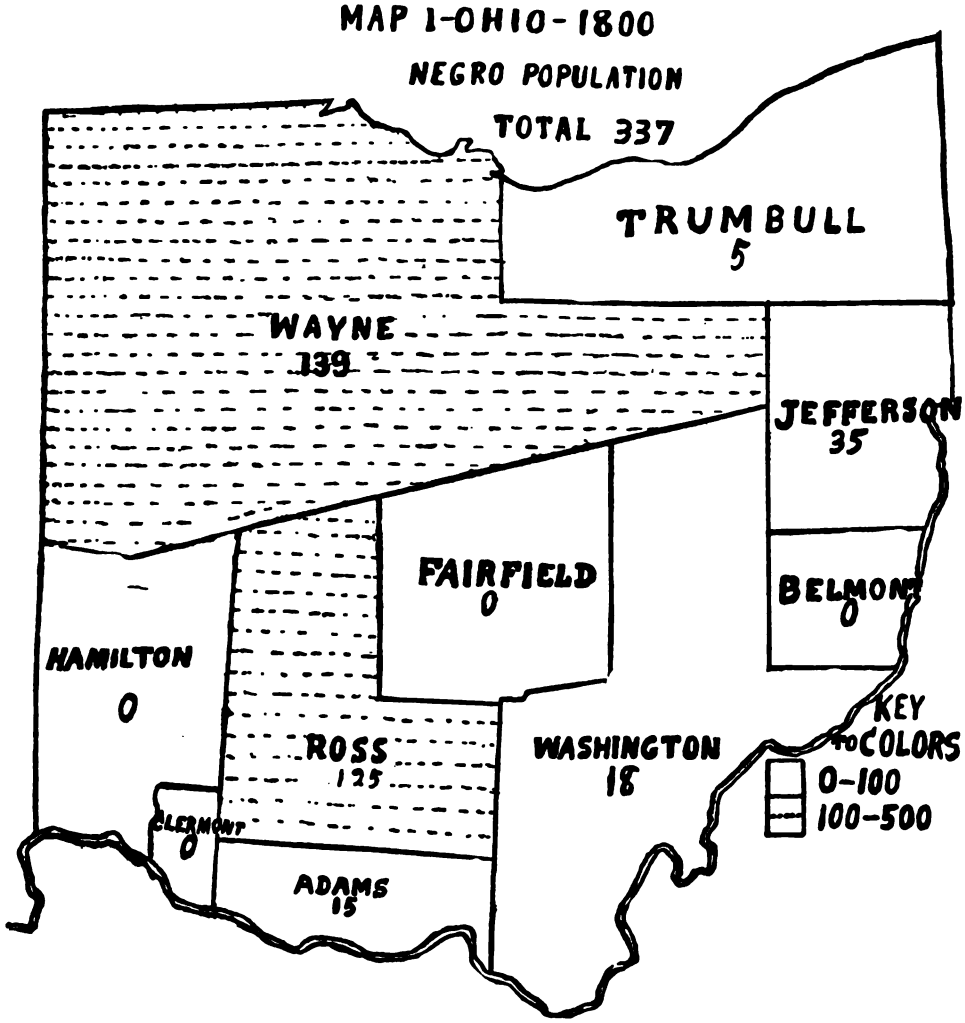
[5] J. P. Cutler, *Life and Times of Judge Ephraim Cutler*, 74.
[6] J. P. Cutler, *Life and Times of Judge Ephraim Cutler*, 75.

ing slavery and also wiping out long indenture and apprenticeship, was very different from Mr. Brown's section, which practically would have admitted slavery into the State in full force, but nominally would have circumscribed it with age limits.

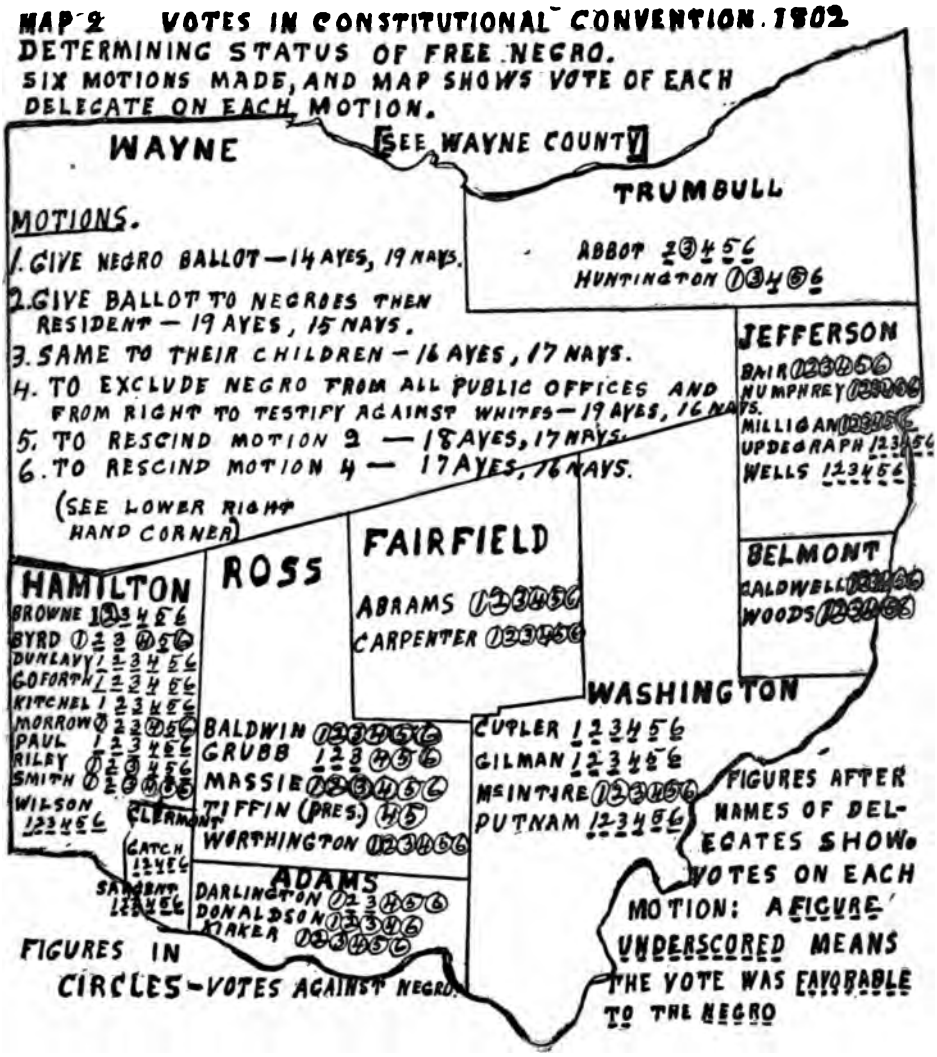
The committee debated the section for some time and finally by a vote of five to four put through Judge Cutler's wording of it. When it was reported to the convention another struggle took place, and again it passed with the bare majority of one vote and was incorporated into the constitution without change. Thus near did Ohio, the first State to be carved out of the Northwest Territory, come to setting the precedent of establishing slavery on this ground that the national government had declared should be forever free from it.

The make-up of this convention is interesting. While we find some New Englanders, coming mostly form the north-eastern and south-eastern parts of the State, from the Western Reserve and the Marietta colony, by far the most of the members were from the Southern States of Virginia and Kentucky.

But we find them badly divided and mixed up on the negro question. There is little evidence of the Southerners voting solidly *against* the negro and the New Englanders *for* him. For instance, Charles W. Byrd, a Virginian of the Virginians, stood firmly for the electoral right to be given to the negroes then resident in Ohio and also to their descendants, while on the other hand Huntington of Cleveland, and McIntyre of Marietta, scions of New England stock, were with Massie and Worthington, both from Virginia, against negro suffrage. On a motion made in the convention to strike out a large portion of the section forbidding slavery, introduced by Judge Cutler, we find the following Virginians voting in the negative: Abrams, Baldwin, Browne, Byrd, Carpenter, Darlington, Donaldson, Goforth, Kirker and Worthington.


MAP 1-OHIO-1800
NEGRO POPULATION
TOTAL 337
TRUMBULL
5
WAYNE
139
JEFFERSON
35
FAIRFIELD
0
BELMONT
0
HAMILTON
0
ROSS
125
WASHINGTON
18
CLERMONT
0
ADAMS
15
KEY
TO COLORS
0-100
100-500

MAP 2 VOTES IN CONSTITUTIONAL CONVENTION. 1802
DETERMINING STATUS OF FREE NEGRO.
SIX MOTIONS MADE, AND MAP SHOWS VOTE OF EACH DELEGATE ON EACH MOTION.



MOTIONS.

1. GIVE NEGRO BALLOT — 14 AYES, 19 NAYS.
2. GIVE BALLOT TO NEGROES THEN RESIDENT — 19 AYES, 15 NAYS.
3. SAME TO THEIR CHILDREN — 16 AYES, 17 NAYS.
4. TO EXCLUDE NEGRO FROM ALL PUBLIC OFFICES AND FROM RIGHT TO TESTIFY AGAINST WHITES — 19 AYES, 16 NAYS.
5. TO RESCIND MOTION 2 — 18 AYES, 17 NAYS.
6. TO RESCIND MOTION 4 — 17 AYES, 16 NAYS.

(SEE LOWER RIGHT HAND CORNER)

FIGURES IN CIRCLES — VOTES AGAINST NEGRO.

FIGURES AFTER NAMES OF DELEGATES SHOW VOTES ON EACH MOTION: A FIGURE UNDERSCORED MEANS THE VOTE WAS FAVORABLE TO THE NEGRO

Of these last named gentlemen the following, Abrams, Baldwin, Carpenter, Darlington, Donaldson, Kirker, and Worthington, although they did not appear to want the negroes in slavery in Ohio, yet were most ardent in keeping the free negro also out of the State, as evidenced by the fact that on every one of the six motions made in the convention on the status of the colored man they voted against him.

In this convention that sat a century ago, it is easy to see the same human nature working in regard to the negro as at the present day, to see the same inconsistencies in the statement of the feelings of individuals, and to see staunch supporters of equal rights and equally ardent opponents. To illustrate my meaning further than was brought out in the preceding paragraph, let us consider a few individual votes. Browne, of Hamilton county, voted for giving the ballot to all negroes and, when this motion was lost and another made to give the ballot to the negroes then living in Ohio, he voted against it. This same man we have already found asking that negro slavery be introduced into the State. Byrd and Morrow of Hamilton county, Grubb of Ross county, and Darlington of Adams, favored negro suffrage and at the same time were unwilling for negroes to hold any offices or be permitted to testify against white men. Several members we find voting one way at one time and later voting just to the contrary. Thirteen of the thirty-five members were *against* the negro on every measure, and twelve were *for him* with equal consistency. And the more one studies the votes of this convention the more he is convinced that what is true today was true at that time; namely, that white men in dealing with the negro problem are controlled more by feeling than by reason. The continuance of this fact throughout the period reviewed will be one of the most evident points brought out by this book.

CHAPTER II.

LEGAL STATUS, 1802—1849.

We have seen in the study of the constitutional convention that much effort was put forth to establish clearly the position of negroes in the body politic. This effort came to naught, for the convention finished its work without once incorporating the word "negro," or alluding to the race except in the article on slavery. Negroes were not recognized as having any political existence and were given no political rights. They were to occupy the same relation to the government as Indians or unnaturalized foreigners. All the rights and privileges under the constitution were given to white men. The enumeration for purposes of apportionment of the senators and representatives was to be "of all white male inhabitants."[1] Article IV, Sec. 1, says, "In all elections, all white male inhabitants, above the age of twenty-one years, shall enjoy the right of an elector." Thus did the organic law of the State indirectly place the negroes outside the body politic. With these exceptions the Legislature was left free to dispose of them as it saw fit.

The matter was very soon taken up by this body. In 1804 the Legislature passed the first of the laws, afterwards so well known as the Black Laws. This law was "to regulate black and mulatto persons"[2] and to prescribe the manner in which they might enter the State. It declared that no negro or mulatto should be allowed to settle in the State unless he could furnish a certificate from some court in the United States of his actual freedom. The blacks already living in the State must register before the following June with the county clerk, giving the names of their children. For each name a fee of twelve and one-half cents was

[1] Const., Art. 1, Sec. 2,6.
[2] Passed Jan. 5, 1804, Laws of Ohio II:63.

to be charged. No white man could employ a negro for one hour unless the negro could show a certificate of freedom, and any violator of this law was subject to a fine of from ten to fifty dollars. The same penalty was attached to harboring, or hindering the capture of, a fugitive slave. Besides this penalty the white man employing a negro was obliged to pay fifty cents per day for his services to his owner, if one should appear.

This law of 1804 was not yet stringent enough to suit the people of Ohio, and we find that three years later, 1807, the Legislature proceeded to strike a harder blow at negro immigration by so amending the previous act that (1) no negro should be allowed to settle in Ohio unless he could within twenty days give bonds to the amount of five hundred dollars signed by two bondsmen, who should guarantee his good behavior and support, (2) the fine for harboring or concealing a fugitive was raised from fifty to one hundred dollars, one-half to go to the informer, (3) the proposition made in the constitutional convention (1802) to prohibit negro evidence against a white person, was enacted, and Ohio, following the lead of slave holding States, was the first[3] of the Northern States to declare that negroes should not be allowed to give evidence in *any* cause, or matter of controversy, when either party to the same was a white person; or in any prosecution of the State against any white person.[4]

In the Act of Dec. 30, 1803, organizing the militia of the State it was declared that white people only were eligible.

[3] Ohio's example was followed by two of the other Northern States. Illinois by Act of February2, 1827, said that "no negro or mulatto shall be a witness in any court against a white person." Indiana, in an Act approved December 20, 1865, declared that no negro should bear witness against a white man if he had entered, or should afterward enter, the State contrary to the thirteenth article of the State Constitution, forbidding their immigration.

[4] Act January 25, 1807, Laws of Ohio, V:53.

By the Act of February 9, 1831, entitled "An Act Relating to Juries," it was declared that all jurors should have the "qualifications of electors," which of course deprived the colored men of this privilege.

In 1838, March 7, the Legislature passed an act for the support of common schools, to provide a fund "for the education of all the white youth in this State."[5] No provision for the education of the colored children had ever been made by the Legislature, and it was not provided in this act.[6] The property of black and mulatto persons was exempted from taxes in raising this fund.[7]

The first State provision for the education of colored youth was in the Act of February 24, 1848. By this act, which was so nearly a farce that it was re pealed the following year, the property of the negroes was to be taxed for the establishment of separate schools for themselves wherever the number of colored youth of school age numbered twenty. If there were not that number, the taxes on the property of the colored people were to be turned into the common fund, and it was the duty of the white people "to admit said black or colored children "into the white schools" upon the same terms as if they were white: *Provided,*[8] no written objection be filed with the directors, signed by any person having a child in such school, or by any legal voter of such district."[9]

Such were the famous Black Laws. To sum them up briefly: (a) negroes were forbidden to enter the State (we say forbidden because it was virtually impossible for them to fulfill the entrance requirements).

[5] Act of March 7, 1838, Sec. 1, Laws of Ohio, XXXVI, 21.

[6] When the bill was up for consideration, Mr. King moved to strike out the word "white" wherever it occurred therein, which was defeated by a vote of 30 to 2, Messrs. King and Wade alone voting in the affirmative.—Senate Journal, XXXVI.

[7] Act of March 7, 1838, Sec. 2.

[8] Emphasis mine.

[9] Act of February 24, 1848, Sec. 5.

(b) They were debarred from the militia. (c) They could not under the existing conditions send their children to school. (d) They could bear no witness against white men, no matter what were the circumstances. (e) They were tried by juries of white men. (f) They could not work unless they carried their certificates of freedom about them.

The restriction imposed by the Black Laws fell with full force upon all people having any negro blood in their veins until the year 1831, when the Supreme Court of the State in the case of *Polly Gray vs. Ohio* declared that a person having more white blood than negro blood in his veins was a white person and free from the disabilities of the Black Laws. The case leading to this decision involved the eligibility of a negro as a witness in the trial of a quadroon charged with crime. The decision interpreted the word mulatto in the acts of 1804 and 1807 to mean a half-breed and held that a man of a race nearer white than a mulatto should be given the privileges of the whites.[10]

This decision met with stubborn resistance throughout the State, and we find the same question being carried up to the Supreme Court time and again[11] until the decision was finally set aside. In the case of *Williams*[12] *vs. Directors of School District No.* 6, etc., in 1834, the decision was upheld, and also twice in the year 1842;[13] but in the last two cases it was decided by a bare majority vote, and much bitterness was manifested in the discussions. Justice N. C. Read,

[10] Ohio Reports IV, 345.

[11] 1834. *Williams vs. School Directors,* Wright's Reports I, 78.
1842. *Edwill Thacker vs. J. Hawk et al.* Ohio Reports II.
1842. *Parker Jeffries vs. Ankeny et al.* Ohio Reports II, 372-373.
1859. *Van Camp vs. Logan Board of Educ.,* November Session.

[12] Hamilton County, May Term, 1834. Wrights Reports I, 78.

[13] *Parker Jeffries vs. John Ankeny et al.* Ohio Reports II, 372-373.
Edwill Thacker vs. John Hawk et al, 1842. Ohio Reports, II.

in dissenting from the opinion of the majority in the Edwill Thacker case where the court had declared that a man more than one-half white or less than one-half negro should be privileged to vote, said: "The constitution, in defining the color qualification of an elector, does not employ the phrases,—partly white —more than black—all persons less than half black,— but simply the word *white.* This word 'white' means pure white, unmixed."

Having looked at the enactments and the Supreme Court interpretations, let us now consider why these laws were passed and retained on the statute books. According to the United States census, there were 337 colored people in Ohio in 1800; 1,890 in 1810; 4,723 in 1820; 9,586 in 1830; and 17,342 in 1810. From this we may see that they came into the State rapidly. Their rate of increase was usually greater than of the whites during these decades. They nearly all settled in the southern counties. Most of the white people of this region were from Kentucky and Virginia. They looked upon the free negroes as being beneath respect. Many other whites were bound up socially and in a business way with these southerners and adopted their views. Most of the population of the State was in the southern portion at this time, and of course it dominated the Legislature's attitude. Further, many slaves were undoubtedly escaping from their masters in Kentucky and Virginia, and the complaints of their masters that they were being received in Ohio of course caught the ear of their friends in Ohio, who proceeded to have laws made restricting immigration and incidentally facilitating the recapture of fugitive slaves.

The white people of Ohio did not want the negroes among them. This is a most evident fact. Why did they not want them? To what extent were they justified on the grounds of expediency? The answer to these questions is most interesting. What was

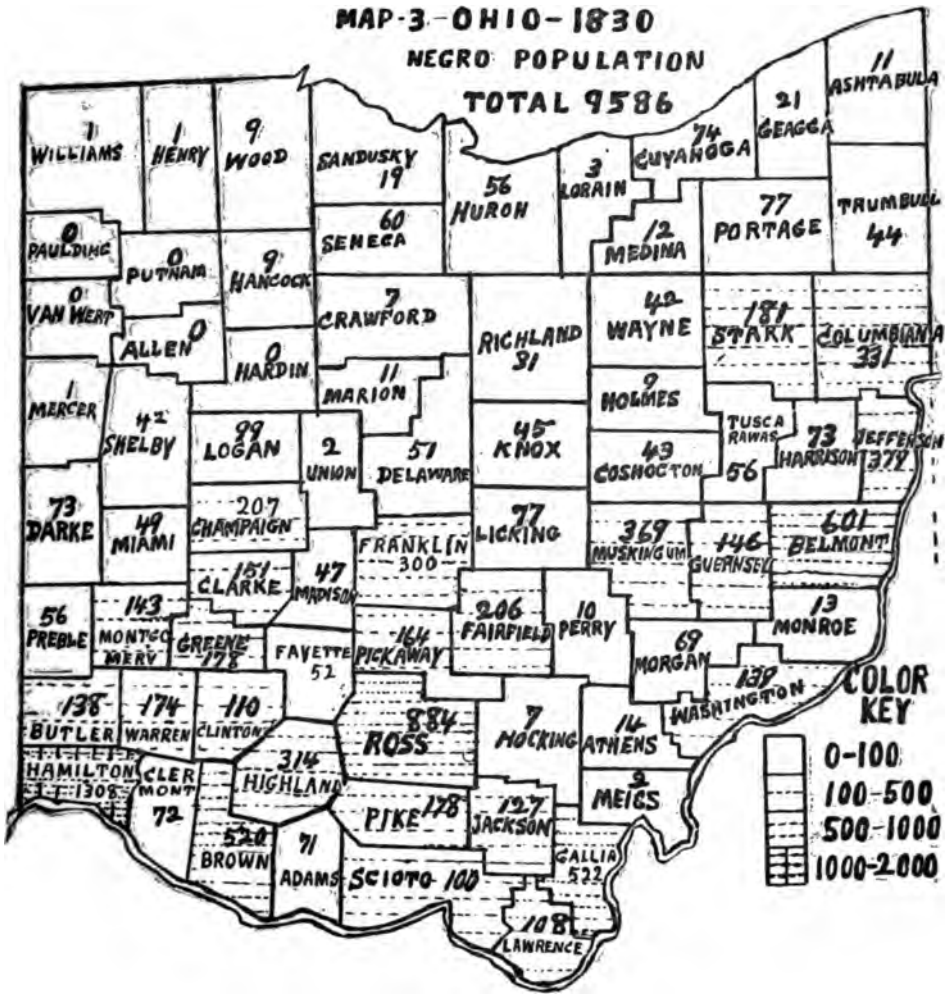
there about the negroes escaping from the plantation, or coming from a Southern State in any capacity, that could make them desirable citizens? Were they intelligent citizens? They had been kept by law in complete illiteracy. In Africa their ancestors had lived in heathen ignorance and in America the opportunities of Christian enlightenment for them had been very slight. Were they of value industrially? Many were lazy and shiftless; almost all of them had been trained as pieces of machinery to do the work of a certain kind that required no thinking. Generally this kind of work was not to be had in the North. Many of the negroes that came from the South were old and worn out. In this state they had been freed by their masters and, being unable to stand the rigors of the laws against free colored people in their native States, drifted north. What then was there about the negroes to appeal for help from the white people of Ohio? But one thing, their utter helplessness, their abject need of philanthropy; and this did not make a strong impression upon a majority of the voters of Ohio. Hence we find the Black Laws.

The numbers of blacks entering Ohio, and especially their character, actually frightened many most excellent citizens; and one must sympathize with them, when he sees but a few of the conditions.

On the 14th of April, 1827, seventy negroes in one company settled in Lawrence county. They were a part of a stock of slaves emancipated by a man in Virginia. "These unfortunate creatures have little or no property of value—many of them ragged and dirty. The writer of this would censure none for acts of kindness to such, yet as he regards the moral character and welfare of society, he cannot view these rapid accessions without some degree of alarm."[14]

The following from *The Supporter,* a weekly newspaper published at Chillicothe, June 16, 1819, is

[14] *Ohio State Journal, May* 3, 1827.


MAP-3-OHIO-1830
NEGRO POPULATION
TOTAL 9586
1 WILLIAMS
1 HENRY
9 WOOD
SANDUSKY 19
56 HURON
3 LORAIN
74 CUYAHOGA
21 GEAGA
11 ASHTABULA
0 PAULDING
0 PUTNAM
9 HANCOCK
60 SENECA
12 MEDINA
77 PORTAGE
TRUMBULL 44
0 VAN WERT
0 ALLEN
0 HARDIN
7 CRAWFORD
RICHLAND 31
42 WAYNE
181 STARK
COLUMBIANA 331
1 MERCER
42 SHELBY
99 LOGAN
2 UNION
11 MARION
51 DELAWARE
45 KNOX
9 HOLMES
TUSCARAWAS 56
73 HARRISON
JEFFERSON 379
43 COSHOCTON
73 DARKE
49 MIAMI
207 CHAMPAIGN
77 LICKING
369 MUSKINGUM
146 GUERNSEY
601 BELMONT
151 CLARKE
47 MADISON
FRANKLIN 300
56 PREBLE
143 MONTGOMERY
GREENE 178
FAYETTE 52
164 PICKAWAY
206 FAIRFIELD
10 PERRY
69 MORGAN
13 MONROE
138 BUTLER
174 WARREN
110 CLINTON
884 ROSS
7 HOCKING
14 ATHENS
139 WASHINGTON
HAMILTON 1308
CLERMONT 72
314 HIGHLAND
PIKE 178
127 JACKSON
2 MEIGS
520 BROWN
71 ADAMS
SCIOTO 100
GALLIA 522
108 LAWRENCE
COLOR KEY
0-100
100-500
500-1000
1000-2000

so typical and so expressive that I shall quote at some length:

"By the following letter from a gentleman on a tour through Virginia to the editor, it will appear that we are to have a colony of free negroes (no less than five hundred) planted in our adjoining county. Much as we commiserate the situation of those who, when emancipated, are obliged to leave their country or again be enslaved, we trust our constitution and laws are not so defective as to suffer us to be overrun by such a wretched population:

" 'Richmond, Va., May 10, 1819.

" 'Dear Sir:—Since my arrival in this county I have understood that a large family of negroes, consisting of about five hundred, have lately been liberated and are to be marched to Ohio, and there settled on land provided for them agreeably to the will of a Mr. Gess, who formerly owned them. There are persons now engaged in collecting the poor miserable beings from different quarters and driving them like cattle to Goochland county, from whence they will take up their line of march to Ohio. I am told that they are perhaps as depraved and ignorant a set of people as any of their kind and that their departure is hailed with joy by all those who have lived in their neighborhood. Ohio will suffer seriously from the iniquitous policy pursued by the States of Virginia and Kent. in driving all their free negroes upon us. The people of Ohio are bound in justice to themselves to adopt some counteracting measure. Many people here are of the opinion that we may be compelled to introduce slavery in Ohio in self-defense, and they appear to be gratified that we are suffering many of the evils attending it, with-

out (as they call it) any of the benefits. I have been gratified to tell them what I believe to be true—that nineteen-twentieths of the people of Ohio are so opposed to slavery that they would not consent to its introduction under any circumstances; and, although they commiserate the situation of those who have been liberated and compelled to abandon their country or again be made slaves, yet in justice to themselves and their posterity they will refuse admittance to such a population.

Yours most ob't.,
'A. T.'

"(Editor) We understand from a respectable authority that 270 of said negroes have landed at Ripley and are to settle near the center of Brown county on White Oak, the residue of 500 to follow soon after."[15]

John Randolph, of Roanoke, before his death in 1833 set free 518 slaves[16] and bought for them a large estate in Mercer County, Ohio. It was arranged that each one was to have 40 acres and a cabin. The white inhabitants of the county rose *en masse* against the influx of the negroes, and Judge Leigh distributed them around Troy, Piqua, Sidney and Xenia.[17]

From a perusal of these incidents, of which there are many, one can see the problem that confronted the people of Ohio in the early days and see the enactment of the Black Laws from a little different point of view than the one generally taken. They justified themselves in their action on the ground that it was necessary for the preservation of the prosperity of the State and for the good of their posterity. Judge Burnet of Cincinnati defended the laws as "justifiable and com-

[15] *The Supporter,* Chillicothe, June 16, 1819.
[16] Article on John Randolph, "The American Cyclopedia."
[17] *Cincinnati Enquirer,* July 31, 1909.

mendable."[18] The committee on the colored population, reporting to the Legislature in 1832, said:

"We must exclude a people whose residence among us is degrading to themselves, and fraught with so much evil to the community. The negroes form a distinct and degraded caste and are forever excluded by the fiat of society and the laws of the land from all hopes of equality in social intercourse and political privileges. Even now, when this people constitute less than one-hundredth part of our population, the evils arising from their residence among us are seriously felt, and especially where they are congregated in considerable numbers in the larger cities: (1) By the exclusion of a large amount of the labor of white men who will not degrade themselves in society by adopting the employment of, and coming into competition with, the blacks, (2). By the demoralization of those white citizens who do, by association with, and adopting the ordinary avocations of, blacks, lose that standing and consideration in society which is one of the strongest safeguards against vicious conduct, (3) By habits of petty pilfering and mendicity, which are, and must of necessity be, prevalent among a people isolated in society and deprived of the highest motives to honest industry; and which, besides imposing on the community the burden of an idle population, fill our jails with criminals of the hopeless description, (4) And lastly, by the injurious effects upon our youth, of the residence among us of a people whose situation is an anomaly in our social system and a libel upon our free and equal laws—a people whose degraded and dependent condition and dissolute conduct furnish at the same time examples of depravity and facilities for the commission of juvenile offenses."[19]

While different reasons may be found in the above extract for the legislation against the negro, there is

[18] *Niles' Register*, XXXVIII, 145.
[19] *Ohio State Journal*, Feb. 1, 1832.

one that stands out most prominently—and that is the antipathy and contempt entertained by the whites toward the negro. This fact is most vividly brought out by the remarks of Mr. Worthington of Ross county, made when speaking before the House upon the above committee report. He said:

"Never can we expect any elevation of moral sentiment from a people upon whom society has affixed the brand of infamy from their birth, with whom it is considered disgraceful for the meanest white man to associate. Are not these people excluded by our constitution from the right of suffrage and by our laws from the benefits and blessings of free schools; and this, too, from the dire necessity imposed by the feeling of the community that their very touch is contamination? Are not such as these the benefits accorded to those who are clothed by the sable skin of the African?"[20]

Having seen what the Black Laws were and why they were enacted, let us now consider how they were enforced.

The law requiring a negro to give bond for five hundred dollars and to exhibit and have recorded a certificate of freedom before he could settle in the State was probably the least strictly enforced of any of the Black Laws; But we cannot say that *it* was a dead letter by any means. Mr. Worthington, speaking before the House in 1832, said that this was proved by the fact "that Ohio, although nearly half-encircled by slave States, contained a less percentage of blacks than almost any other State in the Union."[21] A gentleman writing in the *Ohio State Journal* in the issue of May 3, 1827, about the company of seventy negroes settling in Lawrence county, stated that many of them had already obtained security as the law

[20] Ohio State Journal, Feb. 1, 1832.
[21] *Ohio State Journal*, Feb. 1, 1832.

required and that the rest would do so within twenty days. William Jay in 1836 said:

"A large proportion of the present colored population of the State of Ohio must have entered it in ignorance of this iniquitous law, or in defiance of it. That the law has not been universally enforced proves that the people of Ohio are less profligate than their Legislature; that it has remained on the statute book thirty-two years proves the depraved state of public opinion and the horrible persecution to which the colored people are legally exposed. But let it not be supposed that this vile law is in fact obsolete."[22]

In the spring of 1829, the Supreme Court, sitting in Cincinnati, declared this law to be constitutional.[23] In many localities, where the negroes were especially hated, the white people began immediately to enforce the law with vigor.

On January 21, 1830, all colored people in Portsmouth (a town in the southern part of the State on the Ohio river) were forcibly deported from the town, according to N. W. Evans in his *History of Scioto County*. They were not only warned to go, but they were driven out by order of the town authorities. There were eighty black people in this moving.

In 1829 Cincinnati decided to enforce the law, and gave the colored people sixty days in which to get their security or leave the city. The sixty days passed; few of the blacks had gotten the security, and the authorities hesitated. The citizens then became exasperated and resolved upon force. Mob rule then held sway for three days and nights, in which many were killed or wounded. The colored people rapidly left the city after this. Between one and two thousand went to Canada and formed a settlement.[24]

[22] Jay, *Miscellaneous Writings on Slavery*.
[23] *Ohio State Journal*, July 16, 1829.
[24] Proceedings of Ohio Anti-Slavery Convention, held at Putnam in 1835, 19-20. Also *The Emporium*, published at Cincinnati, July 12, 1829.

The negroes' exclusion from the white school was virtually complete; for the white people regarded such mingling of the races with abhorrence, as giving social recognition to the negroes and contaminating the white children. The Legislature in 1829, fearful that some locality, a New England or a Quaker settlement, perhaps, might so far forget itself as to admit colored children to its schools, forbade in express terms all admissions of blacks and mulattoes into the public schools. I find but one instance in which this law was broken. Cleveland, the transplanted Yankee town of Ohio, was given its charter in 1835, and in this charter it was stated that the schools were to be "accessible to all *white* children." The Cleveland authorities never observed the word "white," but admitted the colored children, of whom there were always comparatively few, on equal terms with the whites.[25]

The part of the law of 1807 which forbade colored men to bear witness in court against whites was carried out to the letter, no matter what the circumstances might be. A white man might rob, beat and kill a negro, and unless some white person were present he could escape all punishment. A case is recorded where a white man escaped conviction of murder where there were eight colored eye-witnesses, simply because sufficient testimony of white men could not be found.[26] In 1846 a white man lost his suit against a black man for the payment of a note, for the reason that the only witness which he could introduce in evidence was objected to and excluded on account of his color. The judge, in pronouncing his decision, said: "Let a man be Christian or infidel, let him be Jew or Turk or Mohammedan, let him be sunk to the depths of degredation, he may be a witness in court if he is not black; the truth shall not be received from

[25] Ohio School Report, 1875-76, 32.

[26] Proceedings of Ohio Anti-Slavery Convention, held at Putnam, 1835, 21.

a black man when a white man is the party."[27] The Supreme Court made one little exception to this, deciding that in case of a note for debt, a black man might swear to his own signature; otherwise any white person could forge his name and the black man would be entirely at his mercy, since no one could swear to his plea but himself.[28]

I can scarcely imagine an exception to the enforcement of the laws against the negro serving in the militia or on a jury, and certainly none appears to be recorded.

If we look at the question of the enforcement of the Black Laws as a whole therefore, we must conclude that it was severe enough to give much concern to the negroes and to their friends, of whom we shall hear more in the next chapter.

[27] *Jordan vs. Smith,* Ohio Reports, XIV:201.
[28] *Jordan vs. Smith,* Ohio Reports XIV: 199.

CHAPTER III.

Repeal of the Black Laws, 1849.

Notwithstanding the great prejudice against negroes, as revealed in the last chapter, there were from the very first some ardent friends of the negro cause. In the constitutional convention of 1802, there were those who would have conferred the electoral privilege upon them and, in fact, some who would have made absolutely no distinction between the two races.

From the time of that convention to about the year 1830 the negroes lived in comparative quiet throughout Ohio. The newspapers covering that period make scarcely a mention of them. Then suddenly they appear in the limelight: they are forcibly ejected from many towns, they are forbidden by law to sit on juries and also to gain a legal residence in the State, while on the other hand the Society of Friends submits one of the first memorials to the Legislature, asking for the repeal of the Black Laws. This sudden agitation was undoubtedly the result of the founding of abolition societies and the active division of the people of the State into friends and foes of Southern policy.[1] This division was caused not only by the slavery question, but also by the way in which the Southerners called upon the people of the State of Ohio for laws for the return of fugitive slaves and, finally, by the rough manner in which they tried to enforce these demands.[2]

So from 1830 to 1849 we find the negro question receiving more and more of the attention of the people of the State and, as the feeling of the people became

[1] *Journal and Register*, March 11, 1839.
[2] Howell's *Story of Ohio*, 225.
Caleb Atwater, *History of Ohio*, 323.
Ohio State Journal, Sept. 4, 1839.

more and more developed against the South and against slavery, we find the free negroes of Ohio profiting by the reflex influence of this sympathy bestowed upon their enslaved brothers and gaining in the number of friends, real or apparent.

Friendship for the negroes naturally expressed itself in efforts to repeal the Black Laws. In the sessions of the Legislature of 1829-30 and 1833-34, memorials were submitted, asking for their repeal. These memorials were submitted for consideration to the committee on the judiciary, which reported in both cases that it was "inexpedient to repeal the laws now in force." In the session of 1836-37, the Senate refused to receive a petition for the repeal. In 1840-41, the subject of repeal again being up, Dr. John Watkins, for the committee on public institutions, filed a long and carefully prepared report, the conclusion being that it "would be highly impolitic to repeal or modify the existing laws." The next year numerous petitions on the same subject were presented, and on the other hand petitions aiming to prevent the immigration of negroes into the State. In the session of 1843-44 there were, in answer to petitions, two committee reports unfavorable to a repeal. In 1844-45 also the committees were against it. In 1846-47 the majority of the committee reported adversely, while Mr. Russell, of Portage county, made a minority report in favor of the repeal. In the next session, 1847-48, there was taken exactly the same action, except that Mr. Byers of Wayne county made the minority report.[8]

Finally, on February 10, 1849, what was popularly known as "the repeal of the Black Laws," was accomplished, when an act was passed repealing the laws of 1804 and 1807 regulating black and mulatto persons; "and all parts of other acts, so far as they enforce any special disabilities or confer any special privileges on account of color, are hereby repealed,

[8] House and Senate Journals for the years mentioned.

except the act of the 9th of February, 1831, relating to juries, and the act of the 14th of March, 1831, for the relief of the poor."[4] While this is generally spoken of and thought of as the act *repealing* the Black Laws, it is really an act *modifying* them.

As a result of this law, negroes were no longer forbidden to enter the State, they could now give testimony in court against white people, and they were now provided with school privileges, though in separate school houses. They could not sit on juries, gain a *legal* residence in the State, go to the schools for whites, and of course, by the operation of the constitution, they could not exercise the voting privilege.

Let us now look at some further reasons for the repeal of these laws and see just how it was accomplished. The Black Laws of Ohio were notorious throughout the country. It was often said that the slave States themselves treated their free colored population with scarcely more oppression than did the free State of Ohio. During the presidential campaign of 1848, William H. Seward, in a speech at Cleveland, referred to the Black Laws as follows:

"Reform your code,—extend a cordial welcome to the fugitive who lays his weary limbs at your door, and defend him as you would your paternal gods; correct your own error that slavery has any constitutional guaranty which may not be released and ought not to be relinquished. Say to slavery, when it shows its bond and demands the pound of flesh, that if it draws one drop of blood its life shall pay the forfeit."[5]

This mixing in of the free negro of Ohio with the anti-slavery feeling and this call to the more considerate and humane people of the State that they wipe off from their statute books such laws as were in some measure bringing upon the negro the very

[4] Laws of Ohio, XLVII, 18.

[5] Speech at Cleveland, October 26, 1848, Seward's Works, III:301

hardships that they were blaming the people of the South for, bore fruit and engaged the attention of political parties.

The Free-soil party, made up mostly of Whigs with pronounced anti-slavery opinions, in the fall of 1848 incorporated the following clause in their State platform: "Resolved, That while we desire a homogeneous population for our State, and believe that we shall have it whenever slavery shall cease to force the victims of its tyranny upon the uncongenial North, we are inflexibly opposed to all class legislation and legalized injustice and therefore insist upon the repeal of the enactments commonly known as the Black Laws of Ohio."[6] The Whig party had always been regarded as being more friendly to the blacks than the Democratic party, but in 1848, the Whigs nominated and elected a Southern slave-holder for President of the United States. The Whig party of Ohio could not now take a stand for the repeal of the Black Laws, and the result was that many left its ranks and joined the Free-soil party. This party now assumed some importance, as it held the balance of power and was in a position to compel concessions from either the Whigs or the Democrats.

In the House of Representatives in 1849, there were Free-soilers, "Old Line Whigs," as they were called, who "were for party, right or wrong," and Democrats. If the regular "Old Line Whigs" and the Whig-Free -soilers combined, they could about tie the vote of the Democrats. Besides these elements, there were in the House two Independents, as they called themselves, Messrs. Morse of Lake county and Townsend of Lorain. These two had generally affiliated themselves with the Free-soilers, but, because of their refusal to bind themselves to support all legislation proposed by the Free-soilers, they had been read out of the party. As a result, the balance of power was

[6] *Ohio Statesman,* December 30, 1848.

substantially thrown into the hands of these two men. They saw their advantage and decided to give their support to that party which would champion *their* measure. Being ardent sympathizers with the free colored people of Ohio, they set themselves the one task of accomplishing the repeal of the Black Laws. The circumstances were favorable in the extreme for accomplishing this task. They secured the repeal as the outcome of a political bargain with the Democratic and Free-soil parties.

It was the year for Ohio to elect a United States Senator and also a judge for the Supreme Court of the State. Over these two offices the parties fought. The Free-soil candidate for Senator was Joshua R. Giddings, who was a personal friend of Mr. Morse, and was warmly supported by him, while Mr. Townsend as earnestly favored Salmon P. Chase; but both were more anxious for the repeal of the Black Laws than for the election of any particular favorite of their own. It was agreed that Morse should propose to the Whigs that if they would vote for the Repeal Bill and for the election of Joshua R. Giddings as Senator, these two Independents (Morse and Townsend) would give their votes to the Whig candidate for the Supreme Court. But the Whigs thought that to accept Giddings, with his Free-soil notions, was too great a price to pay and rejected the proposal. A similar proposal was made by Townsend to the Democrats, with merely the substitution of Chase for Giddings. And, with the conviction that the "Old Line Democrats" would come up to the standard of the Independents, Chase had acted with them. For this reason the proposal of Townsend was not altogether disagreeable to the Democratic members of the House, and the agreement was made. A bill was at once drawn up by Chase to repeal the Black Laws and to provide for the education of colored children. The bill was introduced into the House by Mr. Morse and

carried by a large majority. In the Senate the bill was referred to a committee, which reported an amendment exempting from repeal the laws prohibiting colored people from a place on the jury and from admittance to poor houses and other State charity institutions.[7] The committee's recommendations were accepted and were finally incorporated in the bill, which passed February 10, 1849. The vote in the House stood 53 to 12 and in the Senate 23 to 11.[8] A Democrat and a Whig tried by hiding to dodge the vote but were dragged into the Assembly Chamber by the sergeant-at-arms.[9]

To summarize the repeal of the Black Laws briefly, we may say that two men accomplished the act. They were helped out by thirteen Free-soilers who, with them, really wanted repeal, and these fifteen men were assisted by the Democratic party, which by principle had been, was at that time, and afterward continued opposed to all attempts tending toward the equality of the white and black races. This standing principle, however, fell before the bribe of a United States Senator, a State Supreme Court judge, and "some other considerations," as the newspapers expressed it.

[7] When the committee reported to the Senate, Mr. Scott of Defiance County moved to recommit the bill to the standing committee on the judiciary with the instruction "to so amend the bill that all colored persons be prohibited from holding real estate within the State of Ohio." (Senate Journal, January 24, 1849.) This motion was lost by but three votes, there being 16 yeas and 19 nays.

[8] Senate Journal, Feb. 5, 1849.
House Journal, Jan. 30, 1849.
Ohio Archaeological and Historical Society's publications, I, 117-120.
Magazine of Western History, VI, 341, 623.
Schuckers' *Chase*, 95 Seq.
Ohio State Journal, Feb. 24, March 17, 1849.
Ohio Statesman, Feb. 26, March 5, 1849.
(The last two sources mentioned were the chief organs of the Whig and Democratic parties respectively.)

[9] *Cincinnati Globe*, Feb. 7, 1849. Quoted by T. C. Smith, *The Liberty and Free Soil Parties*, 169.

Having seen the manner in which these laws were repealed, it will be interesting to know how the people of the State felt about the action of their representatives.

The *Ohio State Journal,* the leading Whig paper, in an editorial, February 24, 1849, said:

"The announcement that the Black Laws are repealed is received in different quarters with alternate paeans and execrations; and we suppose it is lawful for us 'to rejoice with those who do rejoice,' though our sympathies do not enable us to enter very profoundly into the sorrows of those who mourn over an event which we regard as of so little intrinsic importance. Our sense of gratification at the repeal of the Black Laws does not result from any conviction that some great end in ethics or politics has thereby been attained; we rejoice at the result because it is a consummation long and diligently sought by a large body of our fellow citizens, under the firm conviction, honestly entertained, that these laws were very oppressive in their operation upon our colored population. It was doubtless thought by many that the repeal of these laws would greatly meliorate the condition of the colored race in Ohio. We think differently and are of the opinion that it would puzzle the most intelligent of the colored race within our borders, or the most ardent of their champions to point out the practical advantages which are to result to them from the repeal of these laws. It is but a fancied gain.

"No act of legislation in this State for thirty years past has probably been received at different points with such diverse greetings as this act. Much of this feeling is the result of morbid sympathy on the one hand and prejudice on the other. The Western Reserve district is happy, but they have few subjects to be affected by the act. The colored population reside *from choice* in other localities and among a

people with whose habits and prejudices they are familiar. These very distinctions are part and parcel of the very nature of both races, and can never be eradicated by statute law. In the localities of the southern part of the State where the colored population most abounds they will practically keep in force some of the laws that have been repealed by this act, especially the one denying them the right to bear witness against a white. Public opinion and the fact that men will be influenced in their litigation by a regard for their interests will be the power. For it is a fact notorious to all who are willing to see that nothing could (as a general rule) be more fatal to the merits of a case than an effort to sustain it by this description of testimony. This may be called prejudice. Be it so. It is none the less potent for being so denominated, or for being so in fact. It is the prejudice of education—ingrain in the very constitution of society, and cannot be eradicated by mere parliamentary forms and enactments."[10]

The Ohio Statesman, the leading Democratic organ, copying from *The Clark County Democrat,* in its issue of March 5, 1849, says: "We regret that a disposition exists on the part of our Democratic friends in some parts of the State to make a fuss about the repeal of the so-called Black Laws of Ohio. We are as fully aware as they possibly can be that it is an unpopular movement, and that the action of the Democrats on this question was wholly unexpected. * * * The Democratic party has always stood opposed to placing the black man upon an equality with the white. * * * We are decidedly opposed to repeal at this time."[11]

At Sugar Grove, in Fairfield county near Lancaster, a great indignation meeting was held on February 15 and resolutions were adopted, scoring

[10] *Ohio State Journal,* Feb. 24, 1849.
[11] *Ohio Stateman,* March 5, 1849.

the members of the Legislature. The editor of the *Ohio Eagle,* published in Lancaster, gave it as his opinion that the resolutions expressed the sentiments of two-thirds of the people of the county. Two of the resolutions are typical of the whole:

"Resolved, That the majority of the members of the Ohio Legislature have betrayed the confidence reposed in them by their constituents and have proven that they are a set of base hypocrites and dishonest politicians.

"Resolved, That we are opposed to free-soilism, abolitionism, demagogism and negroism."[12]

The repeal of the Black Laws, then, was in no way a sign that race prejudice was dying away. Of course it was a great consummation to those who had petitioned for it and longed for it during the previous years; but these were few in number in comparison with the great number of those throughout the State who would not turn over their hand to aid their black neighbors. The repeal was far from popular and far from indicating the sentiment of the State, and yet the laws were never re-enacted. It might be argued that this last fact proves that the repeal was in accord with the wishes of the people. But we must remember that (1) The enemies of the negroes were unorganized, while their friends were organized in the active Anti-slavery Society, (2) Just at this time and for the next few years there were many important national issues in which the negro question figured more or less, which overshadowed this issue at home. These two things, in my opinion, kept the people of Ohio from repudiating the bargain and sale of the politicians, whereby the Black Laws were repealed.

[12] *The Ohio Statesman,* Feb. 22, 1849.

CHAPTER IV.

Social Position of Negro, 1802-1849.

In this chapter we shall study the social position of the negroes in Ohio during the first half of the last century, or more truly, possibly, we shall study their lack of social position. We shall find that in the minds of white men generally negroes were creatures, not citizens, scarcely *persons* even, if we rightly interpret the laws made by the State Legislature in direct contradiction to the constitution, which secured certain rights to all *persons,* with no distinction whatsoever.[1] Negroes were just enough like men to satisfy the *persons* of the State of Ohio that they should not be sold upon the auction block like other creatures of flesh and blood, as the horse and the ox.

As many of the people of the State said at that time, the negroes were "an excresence on the body politic and the body social." They were creatures not welcomed into the State in any capacity. With the exception of about three hundred of their number, their descendants and a very few others, they had come into the State against her laws and were regarded as intruders, uninvited and unwelcome.

William Jay, an abolitionist lawyer of New York State and son of John Jay, the statesman and jurist, writing during the period which we are now reviewing and giving the status of the free negroes in the different States of the Union, said,"The laws of Ohio against the free blacks are peculiarly detestable. Not only are the blacks excluded in that State from the benefit of public schools, but with a refinement of cruelty unparalleled, they are doomed to idleness and poverty by a law which renders a white man who employs a colored one to labor for him one hour liable for his

[1] Constitution of Ohio, 1802, Art. VIII, Sec. 1, 7, 19, 25.

support through life."[2] "Prejudice against the negro attains its rankest luxurience not in the rice-swamps of Georgia, nor the sugar fields of Louisiana, but upon the prairies of Ohio."[3] "Some remaining regard to decency and the opinion of the world has restrained the Legislatures of the free States, with *one exception,* from consigning these unhappy people to ignorance. The exception must of course be Ohio."[4] These extracts are interesting, as giving the views of a person outside the State looking on at the time that the conditions were in actual existence, and giving a comparative view of the situation in the different States.

The laws against the free negroes that we have already considered[5] served as a frame-work upon which this prejudice was built or at least upon which it was clearly manifested. To a large extent their social status and legal status converged, each affecting deeply the other. Let us now consider some of the manifestations of this feeling against the negro.

The laws of Ohio, up to 1848, failed absolutely to provide any schooling for the colored children, and the white people of the State failed almost as absolutely in the same direction. Here and there, very rarely, the negro child was helped to a few weeks' schooling in the course of a year. Sometimes this help was given by a few white friends who braved public ill-will thereby. More often it was the work of a few zealous negroes who raised enough money in some way to provide the schooling. In Cleveland, in the Puritan Western Reserve, I find the only instance where negro children were permitted to enter the public school beside white children without protest.[6] Clark Waggoner, in his *History of the City of Toledo and Lucas County,* says:

[2] Jay, *Miscellaneous Writings on Slavery,* 27.
[3] Jay, *Miscellaneous Writings on Slavery,* 373.
[4] Jay, *Miscellaneous Writings on Slavery,* 385.
[5] Chapter II.
[6] School Report, 1875-76, p. 32.

"At one time in the early history of the Toledo School System, the two races were associated in the schools. This, however, was but a condition of sufferance. All the time, the laws of the State maintained the right of any parent or guardian of a white scholar, by protest, to drive every colored child from the schools and into the streets; and it was not long before such power was exercised, and the proscribed left without school privileges of any sort. After a long time the Board of Education established a school for the blacks in an old frame building, illy lighted, and poorly supplied with facilities, and in strong contrast with the superb provision made for the whites. The location was not central, and many colored children were by distance denied access to the school, even had the accommodations been sufficient for them. As late as 1867, with 200 to 300 colored children of school age in the city, not one in five was in this school."[7] Toledo, be it noted, was the most northern city of Ohio.

The inclination and ability of the colored people in raising funds for school purposes is pictured clearly by Alfred E. Lee, in his *History of Columbus, Ohio*: "Prior to 1836 the colored people maintained a school in the southern part of the city. In that year they organized a School Society with three trustees. In the fall of 1839 (three years later), they had sixty dollars in their treasury, and a subscribed building fund of two hundred and twenty-five dollars."[8] One can easily imagine from this the quantity and quality of schooling for the negroes of Columbus.

In Cincinnati, where about one-third of the negroes of Ohio made their home during the first half of the last century, we see still another picture of negro schooling. Here we find little mission schools

[7] Clark Waggoner, *History of the City of Toledo and Lucas County*, 628.

[8] Alfred E. Lee, *History of the City of Columbus, Ohio*, I, 516.

being established in 1834 by some of the students of Lane Theological Seminary, supported by a few women philanthropists. These students were severely censured by citizens and by a large number of the faculty and officers of the institution. Finally they were directly forbidden by the school authorities to continue in the work and, as a result, fifty-one students withdrew and went to Oberlin College in the Western Reserve district. They took along with them an especially bright negro boy and desired his admission also to the school. This school, though well known for its anti-slavery feeling and teaching, had not as yet opened its doors to negro students. A great discussion was now precipitated and was taken up by the newspapers of the whole State. In February, 1835, the trustees passed a resolution, carried only by the casting vote of the presiding officer, to open the doors of the institution to all students irrespective of color.[9] For this and other acts sympathetic toward the negro, such a feeling was aroused throughout the State that a legislative investigation was conducted in the session of 1839-40 into the doings of the Oberlin Collegiate Institute, as it was then called. [10] While Oberlin was the only college in Ohio for many years that declared itself open to negroes, this concession amounted to little or nothing for the colored people, as it was virtually impossible for any of them to get sufficient preparation for the college work even if they had the ambition.

In the large cities, such as we have thus far considered, we should naturally expect to find a few people who felt it their duty to help the negroes to a little education; but, if we look at the State broadly and as a whole, we shall find conditions even worse than those already pictured. According to a pamphlet entitled *A Report on the Condition of Colored*

[9] J. H. Fairchild, *Oberlin. Its Origin, Progress, and Results.*
[10] Senate and House Journals, 1839-40.

People in Ohio, read by A. D. Barber as an address before the Anti-Slavery Society at Massillon, Ohio, 1840, many places throughout the State absolutely forbade schools for colored children to be established, even though supported by the negroes themselves, and in some places their school houses were burned to the ground; in Jefferson, Scioto county, there were almost one hundred negro farmers, and yet they could not establish a negro school, owing to opposition which grew so bitter that it was considered bad policy for a white man to employ a negro or even converse with him; teaching a "nigger school" was considered contemptible business, and any white man lowering himself to such a degree was completely ostracized by his white neighbors.[11]

Prejudice of race was undoubtedly the strongest reason for this exclusion of blacks from the public schools; but the following, from an editorial in the *Ohio State Journal* of December 22, 1827, is interesting:

"If we enlighten their minds by education, what a new world of misery do we open to their view. Knowledge would open their eyes to their present degraded state—their incapacity of enjoying the rights of citizenship, or of being received into the social interests of the whites as friends. They would be rendered uneasy with their condition, and, seeing no hopes of improvement, would harbor designs unfriendly to the peace and permanency of our institutions."[12]

Not only were they kept in darkness as regards knowledge, but in addition they were restricted in opportunity as regards religious and moral instruction and stimulus. They did not have money to erect churches and provide ministers for themselves, and

[11] *A Report on the Condition of Colored People in Ohio,* 1840.—A. D. Barber.

[12] *Ohio State Journal,* Dec. 22, 1827.

yet they were not wanted in the white churches. If they presumed so much, they were either directly refused admission or made decidedly uncomfortable by being placed in special and undesirable places. In 1849 the colored people in convention in Columbus publicly protested against the "negro pew."[13] William Jay, writing in 1835, says:

"Colored ministers are occasionally ordained in the different denominations, but they are kept at a distance by their white brethren in the ministry, and are very rarely permitted to enter their pulpits; and still more rarely to sit at their tables. The distinction of *caste* is not forgotten even in the celebration of the Lord's Supper, and seldom are colored disciples permitted to eat and drink of the memorials of the Redeemer's passion till after every white communicant has been served."[14]

Being thus restricted in the enjoyment of mental and moral blessings and all influences that might generate ambition and self-respect in them, it would be strange indeed to find many of them objecting to their condition and crying out for social equality. They seem to have been almost more than content to pick up the crumbs that fell from the white man's table, judging from the way in which they continued to come into the State, and to remain quiet and submissive to their superiors. I have been unable to find a single instance in which the colored people made anything approaching a forcible protest against the discrimination that was constantly made against them. There was no resentful spirit shown then, as there is today, no determination on the negro's part to have "all his rights."[15]

[13] Minutes of the Convention of Colored People of Ohio; Convened at Columbus, Jan. 13-15, 1849.

[14] Jay, *Miscellaneous Writings on Slavery*, 387.

[15] Such is the attitude of many negroes who have been coming North in recent years. This, in my opinion, accounts for the fact that there is so much more mob violence at the present day than in the period now under survey.

As facts and conditions presented later will show, the negroes did not presume to attend the white men's theatres or entertainments or go to the white men's hotels. They did not ride in the stage coaches on equal footing with the white passengers. On the steamboats they rode on deck and not in the cabins with the whites. They did not go to white men's homes for anything but to do their work. Their children did not play with the white children. In fact there was scarcely anything whatever in the way of communion between the whites and the blacks. They did not even work together in the lowest grades of labor. They were two peoples separate in practically all things. The negroes lived truly unto themselves, both as regards their place of dwelling in the city and as regards the relation of man to man.

In the negroes' dependence upon the white people for the greater portion of their daily bread do we find the chief connecting tie between the two races. Of course some few—and they were very few—were small farmers and in a way independent, but far the greater number of them got what little money they needed by doing the lowest of menial work for the whites. It was out of the question for a negro to get a position as bookkeeper, clerk, or accountant of any kind, to enter a skilled trade, or in fact to do anything that would throw him in contact with the white race in a way the least suggestive of equality.

In 1834 the Anti-slavery Society of Lane Seminary, near Cincinnati, had a committee investigate the condition of the free colored people in Cincinnati, and the following is a part of their report:

"The wrongs suffered by those who remained behind in 1829, when so many of their people were forcibly driven out of Cincinnati, cannot well be imagined. The mechanical associations combined against them, and prejudice excluded them entirely from school privileges.

"A respectable master mechanic stated to us, a few days since, that in 1830 the President of the Mechanical Association was publicly tried by the Society for the crime of assisting a colored young man to learn a trade. Such was the feeling among the mechanics that no colored boy could learn a trade, or colored journeyman find employment. A young man of exceptional character and an excellent workman purchased his freedom and learned the cabinet making business in Kentucky. On coming to this city, he was refused work by every man to whom he applied. At last he found a shop carried on by an Englishman, who agreed to employ him—but on entering the shop, the workmen threw down their tools and declared that he should leave or they would. 'They would never work with a nigger.' The unfortunate youth was accordingly dismissed.

"In this extremity, having spent his last cent, he found a slave holder who gave him employment in an iron store as a common laborer. Here he remained two years, when the gentleman, finding he was a mechanic, exerted his influence and procured work for him as a rough carpenter. This man, by dint of perseverance and industry, has now become a master workman, employing at times six or eight journeymen. But, he tells us, he has not yet received a single job of work from a native born citizen of a free State.

"This oppression of the mechanics still continues. One of the boys of our school last summer sought in vain for a place in this city to learn a trade. In hopes of better success, his brother went with him to New Orleans, where he readily found a situation. Of multitudes of common laborers at the time alluded to above, who were immediately turned out of employment, many have told us that they were compelled to resort to dishonorable occupations or starve. One fact—a clergyman told one of his laborers, who was

also a member of his church, that he could employ him no longer, for the laws forbade it. The poor man went out and sought employment elsewhere to keep his family from starving, but he sought in vain and returned in despair to the minister to ask his advice. The only reply he received was, 'I cannot help you; you must go to Liberia.'

"The combined oppression of public sentiment and law reduced the colored people to extreme misery. No colored man could be a drayman or porter without subjecting his employer to a heavy penalty, and few employers had the courage to risk its infliction. Many families, as we know, have for years been supported by the mothers or female part of the family. This they have done by going out at washing, or performing other drudgery which no one else could be procured to do."[16]

To assist in appreciating the gulf that lay between the stations of the two races, as viewed by the white people of the time, the following incident will be helpful: In 1839 a petition for relief from certain legal disabilities was presented to the Legislature from some colored inhabitants of the State. It was moved to reject the reception of the petition, calling it "an intruder into the House." The motion to reject the petition was lost by but four votes. The following day the House by a large majority decided "That the blacks and mulattoes, who may be residents within this State, have no constitutional right to present their petitions to the General Assembly for any purpose whatsoever, and that any reception of such petitions on the part of the General Assembly is a mere act of privilege or policy and not imposed by any expressed or implied power of the constitution."[17]

[16] *Proceedings of Ohio Anti-Slavery Convention*, 1835, 19.
[17] Journal of House of Representatives, 1839, Jan. 13, 14.

Slavery in Ohio.

The constitution of the State that was framed in 1802 forbade slavery and also forbade the indenture of blacks and mulattoes for a longer period than one year.[18] This provision was passed by a bare majority vote, as we have already seen,[19] which shows that public sentiment was by no means unanimous against slavery. This continued to be true for several decades, as evidenced by the fact that slavery, real slavery, was permitted in the State for many years, despite the constitutional provision against it. This fact, that Ohio was "a slave State" in a small way, will come as a surprise to most readers, but I believe there is material to prove this statement.

The United States Census of 1830 states that there were six slaves in Ohio at that time. This is corroborated by the following clipping entitled "Slavery in Ohio" from the *Ohio State Journal* of March 3, 1832, two years after the census above mentioned was taken: "It appears by a late report of the Secretary of State, made in obedience to a resolution of the House of Representatives, that there are actually six colored slaves in the State of Ohio, viz: two in the county of Montgomery, one in the county of Butler, one in the county of Clarke, and two in the county of Hamilton. Of these, three are females over twenty-four and under thirty-six years of age; and the others are over ten and under twenty-four."[20]

If we had but this much as evidence, we might think, as others have, that those slaves were from the South, temporarily sojourning with their masters in

[18] Constitution of 1802, Art. VIII., Sec. 2.

[19] In Chapter I.

[20] *Ohio State Journal,* March 3, 1832.

This was all that was said about the matter and, although I looked carefully over future issues for further mention of this strange condition of affairs, I could find none and was forced to conclude that the editor did not regard it as anything very unusual or interesting to his readers.

the North, but this idea is not in accordance with the following evidence.

In an old newspaper, *The Supporter,* published at Chillicothe, in the issue of December 8, 1813, we find this advertisement:

FOR SALE,

A NEGRO MAN,

named George Panten, for ten years from this date. In the town of Columbia (Ohio) on the Ohio River, five and one-half miles from Cincinnati.

(Signed) JOHN ARMSTRONG."[21]

This advertisement ran for seven consecutive weeks.

In the southern counties of the State, there lived many men who owned plantations in the South and many negroes to work them as slaves. Getting accustomed to that kind of service while in the South, it is very probable that many of them brought picked slaves north to act as their domestic servants.

In addition to this farmers in the border counties along the Ohio river doubtless kept slaves whom they pretended to hire from their masters in Kentucky.[22] We know, from the general feeling of the whites in this part of the State toward the negroes, that there would be no objection made in any way to such practices.

That the people of the State would quietly consent to slavery in their very midst is certainly sufficient to show that they were far from looking upon the negroes as their equals. They looked upon themselves as sinned against and not as the sinners. They would do nothing that would encourage the black men to

[21] *The Supporter,* of Chillicothe, Ohio, Dec. 8, 1813.

[22] W. H. Smith in his *Political History of Slavery* says there were many such slaves in the southern counties.

come among them, but on the other hand, would do almost anything to discourage them.

Having now seen many of the manifestations of the white men's attitude toward the negroes, it will be interesting to see some expressions showing the viewpoint of the white men in their own words. As the main object of this work is to show the thoughts that have been entertained by the white people toward the blacks, I shall quote somewhat fully. In 1827 the Legislature appointed a special committee to investigate "the negro problem," and this committee, in December of that year, reported through its chairman, Mr. Walker, as follows:

"The negroes are in many parts of the State a serious political and moral evil. Although they are nominally free, that freedom confers only the privilege of being more idle and vicious than slaves. This is obvious to every man who witnesses the effect in our towns and villages and turns his attention to the relative proportion of crime between the colored and white population of the State. The convicts in our pentitentiary with reference to the whole colored and white population of the State are as eight of the former to one of the latter.[23]

"Besides, the colored population has a tendency to depress and discourage the white laboring classes of the State, who are her source of wealth and peace. Destitute of the blessings of education and of moral and religious instruction, with no incentive to industry or the acquisition of an honorable reputation, and devoid of the intelligence and moral restraint necessary to qualify them for the privileges and immuni-

[23] According to the census of 1850, there were 362 whites and 44 blacks in the State penitentiary. In every 10,000 whites 1.851 were prisoners, and in every 10,000 blacks 17.405 were prisoners. This gives a ratio of more than 9 to 1. And, at the present time, according to statistics in my possession, there are nearly seven colored people in prison in Ohio to one white person, considering their relative populations.

ties of citizens, they form an excrescence on the body politic, which, if it cannot be removed, should not be permitted to increase by emigration."[24]

In an editorial in the *Ohio State Journal,* December 22, 1827, we find the following: "The character of the negroes, as observed in all our villages generally, presents one uniform standard, that of being an idle, intemperate and dissolute race; alike a burden on the resources of the State and to the energies of the laboring class of our citizens.....Wretched as their present political standing is in our State, even hope yields not to the prospects of the future. Their color draws an impassable barrier between them and the whites which they can never hope to surmount. 'Color,' remarks the *U. S. Review,* 'has become the signal distinction, by the mere habit of connecting the idea of slave with that of a dark skin,—nor can it be otherwise while the principles of association hold their place among the first elements of the human mind.' The bondsmen of ancient Greece and Rome were of the same color with their masters. When affection or interest loosed their chains, they were received into the bosom of the commonwealth and became entitled to all the privileges of citizens. Alliances were not disgraceful with the manumitted bondsman. But far different is the situation of the manumitted blacks in this country. To use the appropriate words of the late Robert G. Harper, 'Be their industry ever so great, or their conduct ever so correct, whatever property they may have acquired, or whatever respect we may feel for their characters, we never will consent to see the two races placed on a footing of perfect equality with each other, to see the free blacks or their descendants visit in our homes, form part of our social acquaintances, marry into our families, or participate in public honors or employments."[25]

[24] *Ohio State Journal,* Dec. 19, 1827.
[25] *Ohio State Journal,* Dec. 22, 1827.

In 1832 the status of the negroes was again the subject of investigation by the Legislature. The committee appointed to inquire into the subject reported through its chairman, Mr. Worthington, of Ross county, in part as follows: "That, after a careful investigation of the matter referred to them they view the present situation and future prospects of Ohio, in regard to this class of people, as one of peculiar and painful interest, whether as relating to the moral character, or political prosperity of her citizens. The existence in any community of a people forming a distinct and degraded caste, who are forever excluded by the fiat of society and the laws of the land from all hopes of equality in social intercourse and political privileges, must from the nature of things be fraught with unmixed evil, and this evil is especially felt where they are congregated in considerable numbers in the larger towns. White men will not degrade themselves in society by adopting the employment of, and coming into competition with the blacks, a people of a degraded and dependent condition and of dissolute conduct, a people upon whom society has affixed the brand of infamy from their birth; with whom it is considered disgraceful for the meanest white man to associate.

"Did this committee believe it possible by acts of legislation to remove this blot from the body politic, by so elevating the social and moral condition of the blacks in Ohio that they would be received into society on terms of equality and would by common consent be admitted to a participation in political privileges—were such a thing possible, even after a lapse of time and by a pecuniary sacrifice—most gladly would they recommend such measures as would subserve the cause of humanity by producing such a result.

"But they appeal to the experience of every man in this community to bear them out in the assertion

that such an amalgamation is repudiated at once by the strong and unconquerable feeling of the society in which we live. Whether this feeling be right or wrong, reasonable or unreasonable, it is not the province of this committee to inquire. That is a question for the philosopher and metaphysician.

"For the purposes of legislation, it is sufficient to know that the blacks in Ohio must always exist as a separate and degraded race; that when the leopard shall change his spots and the Ethiopian his skin, then, but not till then, may we expect that the descendents of Africans will be admitted into society on terms of social and political equality."[26]

Having now gotten the views of two different committees in two Legislatures five years apart, and also an editorial from one of the leading newspapers of the State, we will now turn to the words of a judge on the bench of the Supreme Court of the State. In 1842, in the case of *Edwill Thacker vs. John Hawk et al.* the Supreme Court decided by a bare majority vote that all persons less than half negro in blood had the right of electors in Ohio. Justice N. C. Reed of Cincinnati, dissented from the view of the majority in the following words:

"This exclusion of persons of color, or of any degree of colored blood from all political rights is not founded upon a mere naked prejudice, but upon natural differences. The two races are placed as wide apart by the hand of nature as white from black; and to break down the barriers fixed, as it were, by the Creator himself, in a political and social amalgamation shocks us as something unnatural and wrong. It strikes us as a violation of the laws of nature. It would be productive of no good. It would degrade the white, if it could be accomplished, without elevating the black. Indeed, if we gather lessons of wisdom from the history of mankind—walk by the light of our

[26] *Ohio State Journal,* Feb. 1, 1832.

experience, or consult the principles of human nature, we shall be convinced that the two races never can live together upon terms of equality and harmony. The distinctions are too marked to be overcome by the power of political action, and the folly of the attempt will probably be only equaled by the fatal consequences of the result. In view of these conclusions and in this feeling, our constitution was formed, and such views and feelings have always directed the policy of the State. The practical construction which we have given our constitution for a period of more than forty years has been to exclude all persons, of all degrees of black or negro blood from the exercise or enjoyment of all political rights.

"The policy of the State always has been to discourage the immigration and settlement of persons of color among us. The decision of this Court conferring the political rights upon all less than half black, is an inducement for such to immigrate to the State and remain here. It violates the spirit of the constitution, because in principle I see no difference in allowing a mulatto to vote, and a person a little less than mulatto, or a full black; for the taint of black blood extends to them all, and this is the reason of their exclusion."[27]

From the evidence here presented we are forced to conclude that the negroes of Ohio, during the first half of the nineteenth century, were in a miserable condition, economically, morally and mentally. This naturally fixed to a great extent their status in the life of the State, but we everywhere see the one other element, race prejudice, constantly entering in to color the view that the white man took of the black man. To him "hope yielded not to the future" for the color line was everywhere and was everlasting, forming an impassable barrier between the two races, which the black man could never hope to surmount.

[27] *Thacker vs. Hawk et al.*—XI Ohio Reports, 376.

CHAPTER V.

Feeling Toward the Negro as Expressed in the Constitutional Convention, 1850-1851.

Mr. Worthington, a delegate from Chillicothe, speaking in the constitutional convention February 17, 1851, made the following statement: "The gentleman says that at the time of the Revolution there was less prejudice against the black race than there is at present. That is undoubtedly true; and it is also true that the prejudice, if you will so call it, has increased at each successive period of time, and the irresistible inference from such a state of facts is, that the longer the two races occupy the same soil, the greater will be their repulsion and the stronger the prejudice."[1] This statement was probably made offhand, and very probably fell upon many deaf ears, just as it would today; but such a statement is surely worthy of an investigation. This investigation I am now making. I have stated the facts as I have found them, covering fifty years before this utterance was made in 1851, and I shall give the facts for the six decades intervening between then and now, and the reader may then determine for himself the amount of truth there was in the inference that the speaker drew, or in his prophecy that "the longer the two races occupy the same soil, the greater will be their repulsion and the stronger the prejudice."

The constitutional convention of 1802 lasted less than thirty days, and its proceedings were recorded in less than that number of pages and, consequently, we know little of its inner workings. But the convention of 1850-51 lasted almost a year, and its proceedings are published in two volumes of about one thousand pages each. The result is that we have in these voluminous debates a storehouse of facts pertaining to the

[1] Convention Debates, 1850-51, II, 639.

status of the negro in the State, as this question was prominent in the deliberations of the convention from the first to the last.

Petitions came in to the convention from every part of the State, and these represented every shade of opinion on the subject. I find that there were twenty-nine petitions, from ten different counties, with a total list of over fifteen hundred names, asking for equal rights, political and legal, for the negro:[2] there were three petitions, from three counties, with two hundred names, asking that the negro be permitted to vote:[3] on the other hand, three petitions, from three counties, with two hundred and forty-nine names, asking that the negro be denied the privilege of voting;[4] eight petitions from seven different counties, with 613 names, asking that the negro be prohibited from coming into the State;[5] five petitions from six counties, with five hundred and twenty-one names, asking that the negroes then living in Ohio be in one way or another removed from the State.[6]

The equal rights petitioners made by far the best showing in the number of petitioners and signers, but accomplished no results; and the petitions were probably the work of a few enthusiasts. I am led to this conclusion from the fact that the same name headed two of the petitions from one county.[7] and another name headed two petitions from a second county,[8] and I am further convinced by the fact that the representatives from Stark and Warren counties, from which respectively came eleven and four of the petitions out of a total of twenty-nine, voted against the negro at

[2] Debates, I, 31, 56, 59, 75, 107, 108, 191, 236, 313, 337, 354, 726. II, 5, 34, 192, 232.
[3] Debates, I, 298, 313, 474.
[4] Debates, I, 236, 374, 458.
[5] Debates, II, 5, 140, 159, 191, 339, 458.
[6] Debates, I, 28, 458, 459. II, 191.
[7] Debates, I, 354.
[8] Debates, I, 236.

almost every opportunity.[9] Portage county furnished seven of the petitions, and her delegate voted for the negro.[9] Muskingum, Clark, Ashland, Miami and Hamilton counties furnished one petition each, and in every case their delegates voted against the equal rights petitioned for.[10]

Mr. Smith, of Warren county, stated to the convention that the four petitions from his county represented the sentiments of a very small portion of his district.[11] Mr. Archbold, of Monroe county, called these petitions "effusions of folly and fanaticism."[12]

William Sawyer, delegate from Auglaize, one of the northern counties, in unequivocal terms opposed the reception of equal rights petitions, saying that he felt constrained by a sense of duty to his constituents to say, here and now, he would not sit still and permit even his fellow citizens to petition that negroes should be entitled to all the privileges and immunities of white men without raising his voice against it. The petition was one that they had no right to consider; to him it was revolting and an insult to the freemen of Ohio. He held that there were some things that even a *white* man had no right to petition for.[13] Later, when the subject of receiving the same kind of petition again come up and its sponsor said that it was couched in respectful language and ought therefore to be received, Mr. Mitchell, of Knox county, said that he doubted very seriously if petitions aiming to class the negroes of the State, with reference to their rights and interests, side by side with the wives and daughters of the whites, could be made in respectful language.[14]

When the matter of receiving petitions from col-

[9] Debates, II, 19, 350, 554.
[10] Debates, II, 19, 350, 554.
[11] Debates, II, 57.
[12] Debates, I, 76.
[13] Debates, I, 56, 107.
[14] Debates, I, 76.

ored people themselves came up, there was the strongest opposition manifested by many members. Mr. Holmes, of Hamilton county, said, "I am unwilling to receive petitions from the colored portion of our population, or even seem to entertain any disposition to receive them."[14] Mr. Townsend, of Lorain county, presented a petition for equal rights signed by an educated constituent, who happened to have some negro blood in his veins but was nearer white than black. Mr. Sawyer immediately rose and said that he objected to this petition more especially than any other.[15] Mr. Robertson, of Fairfield county, stated "that the Supreme Court had declared the petitioner a citizen; he did not believe they were right in so doing. He hoped there would be a clause in the new constitution against allowing such persons to become citizens."[16] Mr. Loudon, of Brown county, "believed it was the opinion of his constituents that very few blacks in Ohio had the right to come here and ask anything at our hands; they were tresspassers, in other words, on the limits of this State."[17] All of this oppostition to receiving petitions in behalf of, and from, colored inhabitants was overcome and all petitions were accepted, there being many anti-negro members who stood boldly for right of petition as an American birthright that was not to be tampered with.

The three petitions praying the convention to give the negro the ballot met with the same treatment as those asking for equal rights, but the three that asked for a denial of the ballot got what they wanted, as it was the almost unanimous wish of the State and of the convention. The eight petitions against negro immigration and the five for extradition were welcomed by a large number of the members of the convention, but their object was not accomplished. Pro-

[14] Debates, I, 458.
[15] Debates, I, 459.
[17] Debates, I, 459.

posals for State aid to colonization were sometimes included in these last named petitions. Daniel Drake, of Scioto county, a prominent man and well known for his contributions to the early history of Ohio, petitioned the convention to stop the immigration of negroes and to enact laws favoring African colonization.[18] Mr. Loudon, of Brown county, in speaking of the views of his people on the subject of extradition, said, "There is a feeling in the section of the country that I come from upon this one particular subject of extradition that outweighs perhaps all other feelings with regard to the doing of this Ohio convention. A majority of the people I represent, without regard, I may say, to whether they are of the Democratic party or of the Whig party, believe with the fathers of this State that this should be a State for the white man and the white man only."[19]

The following petition, signed by one-hundred and thirty-five people of Butler county and presented to the convention by their delegate, Mr. King, is very interesting and instructive as to the general tenor of the petitions of like kind:

"To the convention, called to change the constitution of Ohio:

"Gentlemen:—The undersigned, citizens of Butler county, Ohio, respectfully petition your honorable body, and pray, that provision be made, in the constitution that you are now framing, for the removal of all persons of negro, or part negro blood, from the State of Ohio. And also that such other and further provision may be made, by preventing the influx and immigration of negroes, as will eventually restore to the State of Ohio, a population of free white people, and none other.

"A separation we regard as alike advantageous to both races; and therefore, without wishing to in-

[18] Debates, II, 159.
[19] Debates, I, 28.

jure the negroes, we ask that they be removed. But, as the power of removal is an important one, we wish it exercised with great prudence and humanity. No negro should be deprived of his property, without receiving a compensation in money, and none should be removed until provision is made for them in another country. But, whatever may be the consequence to the negroes, the happiness and welfare of the white race, both as to the present and future generations, requires the removal, and therefore it should be done."[20]

These petitions and comments made thereon by the members of the convention reveal bitter anti-negro sentiments throughout the State. The strongest prejudice was shown to be in the southern counties of the State, as every petition against the negro had its origin in that half of the State, if we except this interesting little touch, coming from the otherwise "unbroken North:" Mr. Humphreyville presented a petition from Medina county, signed by thirty-three citizens asking for equal rights for the negro, and at the bottom of the same paper were the signatures of "seven citizens of the same township, stating that they cannot conscientiously subscribe to the above petition, because it is not true democracy."[21]

The intense prejudice of the southern counties was due, as has been intimated before, to the fact that a large number of the population was from the South and, from birth and education, or from social and business relations, were heartily in sympathy with their old home interests and institutions and naturally cherished a strong antipathy for the negroes. Another reason for the southern counties feeling more of this prejudice than the northern counties was that they had many times the number of negroes among them

[20] Debates, II, 191.
[21] Debates, I, 191.

that the northern ones had, came more intimately into contact with them and saw them at their worst. These negroes eked out a miserable existence working at odd jobs and stayed close by the Ohio river, as there was always a demand for unskilled labor there in the loading and unloading of boats.[22] This sort of work was much more congenial to them than the more continuous, if not more irksome, labor of farming. The long intervals between tasks or "jobs" gave them ample opportunity to stretch themselves on some plank, bask in the sun and dream of the sweet liberty they enjoyed, or to get together in groups and sing their own peculiar songs. They worked just enough to keep body and soul together and, as a consequence, they were generally miserably poor, ignorant, and too often vicious.

The following description in the Cincinnati *Gazette* in 1835 of a large settlement known as the "Camps" in Brown county, where about one thousand negroes had settled in 1820, gives us a picture of them that must resemble in many ways the picture that was in the minds of the people of the southern counties, when they spoke so bitterly of the idea of classing them as their equals:

"They are so extremely lazy and stupid that the neighboring farmers will not employ them to any extent. They do not raise produce enough on their own lands to keep their families, much less do they have a surplus to sell abroad. They pass most of their time in little smoking cabins, too listless to even fiddle and dance. One may pass through the 'negro camps,' passing a dozen straggling cabins with smoke issuing out of the ends of them, without seeing a soul either at work or play. The fear of starvation makes them work the least possible quantity, while they are a great

[22] They have clung to that kind of work to this day in that locality, for it has a fascination for them which they cannot resist.

deal too lazy to play. There are not more than two or three families out of the whole who have been benefitted by the change from slavery to freedom."[23]

The people of the northern part of the State, unlike the people of the southern part, saw few such pictures, and so their humanity was put to a much lighter test. Besides, the population here was largely from the Eastern States. They had come to Ohio with few prejudices against the negro, as they had generally no life-long associations with him and little commercial dealing. The few negroes that moved up among them were necessarily more ambitious and capable than their brothers or else they would have remained behind along with the rest, pursuing the path of least resistance. They settled often upon small farms and in the small towns and generally did much better for themselves than they possibly could have done in the lower part of the State.

The following description of the negroes of Cleveland, as given by Mr. Andrews of that city, is at the opposite extreme from the picture already presented of the negroes in the southern part of the State;"We have about three hundred negroes in the city of Cleveland, and I venture to say that there is not a man among them who is not qualified to vote. As long ago as 1845, twenty colored people in that city had property which was estimated at thirty-six thousand dollars. They have various organizations for their improvement, and their children are educated in our common schools with the white children. The truth is that, if we apply to them the same measure of qualification that we do to the whites, they are as well qualified to exercise the right of suffrage as thousands of white voters in this or any other State."[24]

So the circumstances under which the northern

[23] *Cincinnati Gazette,* copied into *Niles' Register* of October 3, 1835, XLIX, 76.

[24] Debates, II, 636.

Ohio white man formed his opinion of the black man were very unlike those of his brother in the southern part of the State; and the result was that he felt much less prejudice. The two sections could not understand one another's point of view, and there came about as a result a division of the State in regard to the negro into a "North" and a "South," much resembling the division of the United States that was taking place at about this same time and over the same question. And one thing most conducive to this misunderstanding, both in State and Nation, was lack of communication between the two sections. Mr. Andrews, of Cleveland, speaking to the convention February 17, 1851, said:

"The Telegraph of this morning brings us the intelligence that contains the promise of good things to come. At this moment, sir, while I am speaking, the first locomotive is on its way from Columbus to Cleveland, proclaiming that the space between the northern and the southern boundary of the State is annihilated and that the Ohio river and Lake Erie are side by side. I hope, sir, that this great event will be the harbinger of a better state of feeling, that it will deepen and multiply the channels of intercourse between the different sections of the State, that it will correct misapprehension and remove prejudice on all sides and be the means of making us in heart, as we now are in name, one people."[25]

Let us develop further the difference in prejudice in the two sections of the State, keeping in mind the difference in the number of blacks in the two sections, and we shall come to what, in my opinion, is the most tangible explanation of this peculiar feeling of race-prejudice. Mr. Green, of Ross county, which is in the southern portion of the State, speaking upon the matter of the State paying for the transportation of the negroes to Africa, said:

[25] Debates, II, 637.

"The presence of the blacks among us is a nuisance, especially in the southern portion of the State; and the people of this portion of the State would submit to no tax more cheerfully than that by which they might get rid of this nuisance. There is no division of sentiment amongst us in regard to this matter. Gentlemen from the northern part of the State could not by reason of their prejudices understand why this is so. But, if they were to come down and live amongst us, they would get some information upon the subject. They would learn this fact, that we are opposed to elevating the blacks to the same rank with ourselves; but that, while we consider them an inferior class of beings, we treat them with the same kindness and faithfulness which we extend to all others in the same condition of life; we feed them well, and we do not overtask them.....But, I repeat, they are a nuisance among us. What do the people of the northern counties know of the practical workings of the colored people among us? They know nothing of the character of this class of people; they are totally unacquainted with them. They get up here and in the name of humanity and universal right endeavor to impress the public mind with the necessity of throwing wide open our doors to the admission of this people among us:—when, at the same time, they ought to know perfectly that we at the South must suffer the evil and not they."[26] Mr. Sawyer, of Auglaze county in the northwestern part of the State, but nevertheless probably the most bitter anti-negro man in the convention, said, "If you will look at the statistics furnished by the recent census, you will find that in those counties of this State, where abolitionism or free-soilism predominates there are the fewest negroes. It is in the southern counties, bordering on Kentucky, where there is the largest proportion of negroes and mulattoes; and those counties are the least friendly to them. Either

[26] Debates, II, 337, 338.

the negroes do not know their friends in the north or else they will not go to them."[27]

Mr. Worthington, of Ross county, said, "To the part of the State which he had the honor to represent, the negro is a serious practical question and a serious grievance, and we are better acquainted with the condition of the colored population of the State than a man from the north possibly can be. The prejudice against the negro is worse than it ever has been, and it is idle to suppose that this sentiment will ever decrease as long as the two races remain together."[28]

We shall now have some expressions from pro-negro territory, the very center of which was the Western Reserve, in the northeastern part of the State. Mr. Townsend, of Lorain county, Western Reserve, one of the two men who secured the repeal of the Black Laws in 1849, said:

"We have some negroes among us, there being about one hundred in the village where I live. We have little prejudice against them, their children going to the same schools as the white children. Our sympathy for them does not spring from our ignorance of them, but from the conviction that they are human beings and therefore entitled to all the rights and privileges and sympathies due to humanity, and from the conviction that they, equally with other men, are susceptible of intellectual and moral elevation."[29] Mr. Taylor, of Erie county, Western Reserve, in replying to the words of Mr. Green, of Ross county, quoted above, said, "In respect to the allusion to the comparative extent of the black population in the northern and southern portions of the State, it might be that all the counties of the Western Reserve did not contain as many colored people as the single county of Ross.[30]

[27] Debates, II, 12.
[28] Debates, II, 639.
[29] Debates, II, 12.
[30] According to the census of 1850, the eleven counties of the Reserve had 1,231 negroes in them, while Ross county alone had 1,906.

And why this was so he could not tell, unless it might be explained by the familiar adage, 'Birds of a feather flock together.'—But some of us have been alluded to as the peculiar friends of the negro. We are not the peculiar friends of that, or any other portion of the population. We stand upon an entirely different basis, that of equal rights—without being the peculiar friends of any class in particular. We disclaim the term 'peculiar.' We ask no peculiar favors for the colored race; we are only opposed to peculiar measures against them. From the expressions heard on this floor, we are about to retrograde in our treatment of the colored population of the State by commencing a system of persecution worse than that which we already have. Where will it end? I beg the gentlemen to be consistent in this regard—let them proclaim their real designs—if the black man is to be driven across our borders at the point of the bayonet, let them say so."[31]

Mr. Andrews, of Cleveland, said: "We all know well that there is a great diversity of opinion among the people of the State, respecting every measure affecting the people of color, and such a sensitiveness on the subject as I had heretofore no conception of. Every movement and even every throb of sympathy in their behalf seems to be regarded by many as a direct or indirect attack on slavery. Sir, they don't understand us at all. Undoubtedly the people of northern Ohio feel a deep interest in the condition of the colored race, but they will leave slavery to the exclusive control of the Southern States. The conditions of colored people at home is widely different, and you may rest assured that in every enterprise that looks to their elevation and advancement the people of the Reserve will head the column and consider the place where they can do them the most good as the post of duty. You now propose to drive out of the State all colored

[31] Debates, II, 338, 601, 12.

people. I have no desire to perpetuate in our constitution the sympathies of one portion of our people or the prejudices of another. But, sir, it is well understood that the people of the northern part of the State are utterly opposed to any such provision and, if you insert it, you may depend on it that they will vote against the constitution as one man. I do not know indeed but that we may be outnumbered by the votes of other parts of the State and compelled to submit to it for a time; but you may be assured that, with this provision in it, your new constitution, instead of being an instrument of peace, will be an exhaustless fountain of strife and contention, and that the people of the north, whose feelings are thus outraged, will not 'give sleep to their eyes nor slumber to their eyelids' until they have stricken out this obnoxious feature."[32]

The negro population of the different counties of the State, according to the census of 1850, will be found graphically portrayed in Map No. 4. From a study of this, we shall find among other things that in the northern half of the State, taking in forty-four counties, there were 3,836 negroes, while the southern half had a population of 21,443. Now, if we consider Map No. 5 in connection with Map No. 4, we shall find that the north—and indeed we can almost limit it to the Western Reserve district—with its sparse negro population gave almost all the pro-negro votes that were given in the convention; that Hamilton county in the southwestern corner of the State had a negro population of 3,600, practically as large as the whole northern half of the State, and it registered every one of its votes against the negro; that Franklin and Ross, two other southern counties, together had 3,513 negroes and they voted solidly against the negro; that Warren and Brown together, and Clinton and Highland together in the southwestern corner, had larger negro populations than all the eleven counties of

[32] Debates, II, 604, 636.

the Western Reserve, in the extreme northeastern corner of the State, and without exception they voted against the colored man; that exactly the same thing may be said for Belmont and Muskingum counties in the southeastern part of the State; and finally, taking a general survey, we shall find that wherever the negroes are comparatively numerous there the anti-negro votes are recorded. Or, in other words, and this is the point that I have been working up to, the greater the negro population, the greater the white man's prejudice.[83]

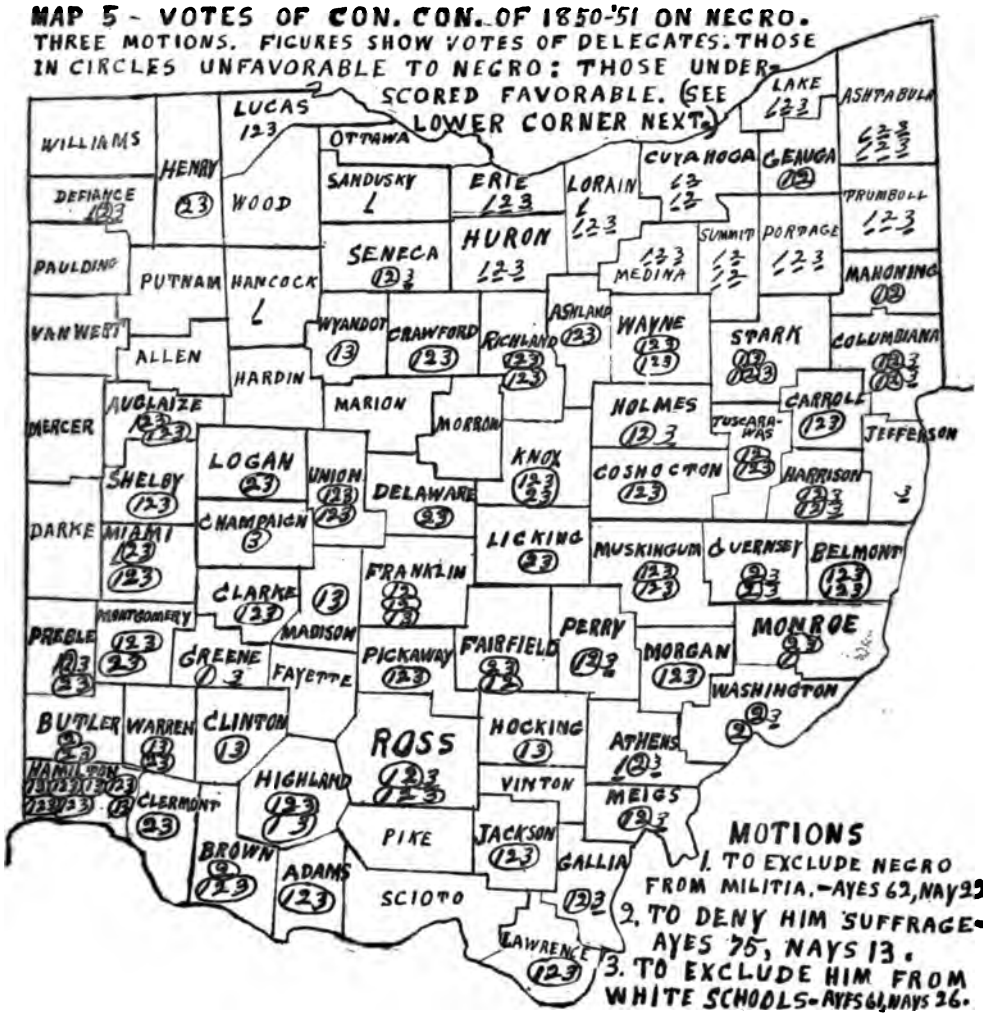
Having seen the feeling of the convention toward receiving petitions from, and in behalf of, the negroes, and having noted from what portion, and from how large a portion of the State this feeling emanated, one may easily imagine the general way in which the convention handled the different proposals pertaining to the status of the colored man. There were three main proposals which brought out, by speeches and by votes, the sentiment of the State as a whole on this great question. They were (1) to enroll the negro in the militia, (2) to give him the right of suffrage, and (3) to permit him to enter the public schools along with the whites.[84] We shall consider these propositions in order, taking up first the provision as to the militia.

[83] And the same thing is true today, at least for the State of Ohio, and I regard this fact as one of the most important results of this investigation. I shall develop it more fully in the last chapter. I make the statement, not only from a study of the past, but from a thorough investigation of the subject at the present time. The prejudice is found to be the greatest wherever the negroes have settled in large numbers. The best explanation that I have been able to find for this fact is this: the greater the number of colored people, the greater is the likelihood that there will be some of them who will do things that will arouse the white man's anger. The white man instead of visiting his wrath upon the individual who arouses it, as he would do if the culprit were a white man, nurses a part of it against the whole negro *race*. His white brother sympathizes with him, and the negro race bears the blame.

[84] Map No. 5 will picture the votes on these three propositions by counties.

MAP 4 – OHIO – 1850
NEGRO POPULATION
TOTAL 25279
0 WILLIAMS
0 HENRY
LUCAS 139
1 OTTAWA
18 WOOD
DEFIANCE 19
49 SANDUSKY
202 ERIE
264 LORAIN
359 CUYAHOGA
LAKE 38
43 ASHTABULA
7 GEAUGA
1 PAULDING
11 PUTNAM
26 HANCOCK
151 SENECA
39 HURON
35 MEDINA
121 SUMMIT
58 PORTAGE
TRUMBULL 65
90 MAHONING
VAN WERT 47
27 ALLEN
49 WYANDOT
10 CRAWFORD
69 RICHLAND
3 ASHLAND
28 WAYNE
159 STARK
COLUMBIANA 182
14 HARDIN
21 MARION
18 MORROW
5 HOLMES
CARROLL 52
397 MERCER
AUGLAIZE 97
405 SHELBY
LOGAN 536
128 UNION
135 DELAWARE
62 KNOX
44 COSHOCTON
89 TUSCARAWAS
287
JEFFERSON 665
HARRISON
DARKE 248
602 MIAMI
494 CHAMPAIGN
128 LICKING
631 MUSKINGUM
168 GUERNSEY
BELMONT 278
323 CLARKE
FRANKLIN 1607
78 MADISON
77 PREBLE
MONTGOMERY 249
654 GREENE
FAYETTE 291
412 PICKAWAY
280 FAIRFIELD
29 PERRY
90 MORGAN
69 MONROE
367 BUTLER
602 WARREN
595 CLINTON
ROSS 1906
117 HOCKING
106 ATHENS
390 WASHINGTON
COLOR KEY
0-100
100-500
500-1000
1000-2000
2000-5000
HAMILTON 3600
412 CLERMONT
896 HIGHLAND
VINTON 183
52 MEIGS
618 PIKE
391 JACKSON
863 BROWN
55 ADAMS
21 SCIOTO
GALLIA 1178
326 LAWRENCE

MAP 5 - VOTES OF CON. CON. OF 1850-'51 ON NEGRO.
THREE MOTIONS. FIGURES SHOW VOTES OF DELEGATES. THOSE IN CIRCLES UNFAVORABLE TO NEGRO: THOSE UNDER SCORED FAVORABLE. (SEE LOWER CORNER NEXT)



MOTIONS
1. TO EXCLUDE NEGRO FROM MILITIA.-AYES 62, NAYS 22.
2. TO DENY HIM SUFFRAGE- AYES 75, NAYS 13.
3. TO EXCLUDE HIM FROM WHITE SCHOOLS- AYES 61, NAYS 26.

The committee on the State militia presented as the first section of its report "That all white male inhabitants shall.....be enrolled in the militia."[35] Mr. Townsend, the champion of negro rights, moved to strike out the word 'white.' Ordinarily, this sort of motion would have precipitated almost unending discussions, but, for some unknown reason, the question was not argued at all, unless we consider the following as argument:—"Mr.——would not object to the performance of military duty by the colored people of the State, nor that they should be mustered and drilled. He would suggest, however, that the musters be contrived to take place in cold weather. The reason was obvious."[36] This hint and its setting plainly tell us that the negro was 'persona non grata' to the white men, who went into the militia generally for social purposes. When the motion to strike out the word 'white' was put, it was lost by a vote of 22 to 62.[37] Previously, the negro had been debarred from the militia by legislative statute,[38] but now his enemies advance one step further and incorporate the disability in the fundamental law of the State, which the convention of 1802 did not do.

We have noticed already the struggle over receiving into the convention the negro petitions, but this was not comparable with that waged over the proposal to give the negro the ballot.

The committee on the elective franchise brought in their report December 4. The clause which they had drafted conferred the privilege of voting only on 'white male citizens.' It was moved immediately by Mr. Woodbury of Ashtabula county to strike out the word 'white,' for the reason that negroes were made amenable to the laws, and it was no more than right

[35] Debates, II, 346.
[36] Debates, I, 452.
[37] Debates, II, 350, Dec. 30.
[38] Laws of Ohio, 2. (Passed Dec. 30, 1803.)

that they should help make them.[39] The matter was not discussed further at this time but, about two months later, it was again brought up and Mr. Townsend, who was a member of the committee on the electoral privilege, stated that he was strongly opposed to the presence of the word 'white,' and sustained his objection on the ground that such limitation was unjust, anti-democratic, impolitic and ambiguous.[40] The speaker made the mistake of demanding the franchise for the negro as a right, instead of asking for it as a privilege. He claimed that in this denial of the right lay great injustice. He said it was anti-democratic, because it did not conform to any definition of democracy that he had ever heard of: among others to that of Jefferson, who said that democracy consisted in doing "equal and exact justice to all men." It was impolitic, as the negro needed the ballot as an inducement to strive to make something of himself and "if, on the other hand, we make it impossible for any class to rise, if we consign them to ignorance and want and degradation, we ought to consider ourselves responsible for whatever invasion of our rights may be the consequence. Experience has taught us that ignorance is one of the most fruitful sources of crime, and it has therefore been found to be good policy to secure the education of the whole people of this State as a means of preventing crime. But, besides giving them education, we must give them the full benefit of the powerful stimulus of hope and ambition. We must give them the ballot on the grounds of expediency.

"I object to the word 'white' being inserted in this clause, because it is ambiguous. Some persons regarded as negroes by others are whiter than many persons absolutely known to be of pure Caucasian blood.....

"Humanity does not consist in the color of the hair, or eyes, or skin, or where a person may have been

[39] Debates, II, 8.
[40] Debates, II, 550.

born, or what his origin or capacity—these peculiarities may be changed indefinitely, but a man is a man for all that.

"One word more. It has been said of colored persons repeatedly, 'This is not their country.' The Caucasian is not the aboriginal race here any more than the negro. Their right here has the same foundation as our own and is based on the fact that every human being has a right to the pursuit of his happiness and to the enjoyment of all his God-given rights wherever he pleases, and no government, here or elsewhere, has a right to say who shall or shall not live in any part of the wide world. There is but one particular in which we have a better right than they—that is 'the right of the strongest,' a right always recognized, I believe, among robbers but not usually urged among honest men."[41]

I have quoted at some length from this speech as it embraces every argument advanced in favor of giving the negroes suffrage. The argument for enfranchisement on the ground that the term 'white' was ambiguous, was emphasized by several speakers. They said that there were many among the colored people of Ohio who were by race and descent negroes, but who in complexion were as fair as their white neighbors, and that judges of elections had often had great difficulty in deciding whether the applicant was actually a white man, and thus a legal voter. Through their representative, Mr. Hunter, twenty citizens of Ashtabula county sent a petition to the convention, asking that some uniform method might be determined upon to assist these judges. Mr. Hunter said, "The only object of the petition was to protest against the ridiculousness of such a variable, uncertain and whimsical method as was now in use for determining the qualifications necessary to secure the elective franchise."[42]

[41] Debates, II, 551-552.
[42] Debates, II, 614.

The arguments of the other side will be found in the following quotations:

Mr. Brown, of Athens county, in the southeastern part of the State, said, "The negroes are considered a degraded race among us, for what reason it is not my purpose to inquire; the opinion obtains however, and we cannot by force of public authority bring them on an equality with the white race. Until there is an entire social revolution in the intercourse between the two races,—until the time shall come when the black man can go to your house as a suitor for your daughter, and ask and obtain her in marriage, and until you can welcome the issue of that marriage, and receive with pride your little grandson, 'William Cuffy,' or some such name that would follow, and when a man can introduce them to his friends, and they will be received into the society of the white race,—until then the two races are separate and distinct. When this revolution has taken place in the intercourse between the negro and us, then will be the proper time to give them the right of suffrage. To give it now would result in serious inconveniences. It would degrade labor."[43]

Mr. Kennon, of Belmont county, in the southeastern part of the State, informed the convention that his constituency was "decidely opposed to the extension of the right of suffrage to colored persons,"[44] and he agreed with them.

Mr. Sawyer of Auglaize county, said that "he would say here in the presence of God and of this convention that he believed that the adoption of this idea of giving the negroes the ballot would be the signal for force, for bloodshed, for intestine division and persecution such as would put an end to the colored people of Ohio, or drive them beyond the limits of the State."[45]

[43] Debates, I, 58.
[44] Debates, I, 459.
[45] Debates, II, 638.

That this statement, strong as it was, had some truth in it is evidenced by the fact that Mr. Andrews, the leading exponent of the negro suffrage and a delegate from the Western Reserve region, practically acknowledged it in the following way: "It is said that, if you confer this right upon the colored people, the prejudices against them are so strong in many parts of the State that they could not exercise it. I can hardly comprehend such an objection as this, but I am bound to believe, from the declarations of intelligent gentlemen on this floor, that there is something in it. But, sir, the people of Ohio are a law-abiding people and when the blacks are clothed with a constitutional right to vote, I cannot but think it will be respected. There may be some practical difficulties at first, there may be uneasiness and excitement in some places, but if good men stand up, as they always will stand up, for the constitution and the laws, these effects will be transient and be followed by a quiet exercise of the rights."[46]

But what seems to have been the coolest and most rational statement of all those who were really against negro suffrage came from Mr. Nash, of Gallia county, on the Ohio river. He said, "I shall vote against striking out this word 'white,' and for the following reasons: First, I do not believe it would be in accordance with public opinion. To make this change would be to defeat our constitution, whatever other merits it might contain. Such being public opinion, we cannot disregard it if we would. No practical statesman would disregard the public opinion and send forth a constitution with its death warrant written in it. And secondly, I do not believe that it would benefit the very people designed to be benefitted. Such is the state of public feeling that this right granted would inevitably lead to the oppression of the colored population. The very first election would lead to difficul-

[46] Debates, II, 636.

ties and heart-burnings between the white and colored population and probably to open outrages. It would necessarily inflame the antipathies now existing between the two races. We may say that these antipathies are wrong, unchristian; but foul words will not do away with facts; this body must deal with these facts—would be regardless of its duties by assuming to disregard them. The colored people should seek not to mix in politics and involve themselves in the party strifes of the country. Let them quietly pursue the policy of educating themselves and, by intelligence and moral worth, seek to remove prejudices and antipathies now existing, and existing in strength sufficient to oppress them if they were once roused into passionate action."[47]

This was the closing speech for the negative, and when, immediately after this, the motion was put to strike out the word "white" from the first section of the committee report giving the ballot to all "white male citizens," the negative won by the overwhelming vote of 12 to 66.[48] This vote was taken on Saturday, February 8, 1851. The following Monday, when the convention met, ten members asked the privilege of recording their votes on the motion, and the privilege being given, nine of them voted nay and one aye;[49] so the final vote on giving the ballot to the colored man was 13 ayes and 75 nays.[50] Every one of the votes *for* the negro came from the small Western Reserve.[51]

[47] Debates, II, 553.

[48] Debates, II, 554.

[49] Debates, II, 556, 560.

[50] The final vote in the Convention of 1802 on this same question was 14 *for*, 19 *against*.

[51] One delegate from this region dared to vote against the colored man. He was from Geauga county. His constituents waited many years, it would seem, to show forth to the world their disapproval of his act. By looking at Map No. 6, one may see that sixteen years afterwards, in 1867, when the State took a popular vote on whether they should give the negro the ballot, this same county of Geauga gave the largest pro-negro vote of any county in the whole State, in comparison with the total vote cast.

Later in the same afternoon session in which the convention gave this back-set to the aspirations of the champions of negro rights, we find Mr. Taylor, of Erie county, Western Reserve, still nursing hope. He made a motion to authorize the State Legislature to "extend the suffrage to inhabitants of the State not hereby qualified as electors," in case it was deemed expedient. This motion also went down before a vote of 68 to 11. Thus the negroes were definitely excluded from any participation in the political life of the State, unless one would except the privilege of being merely counted among those who were to be represented in both houses of the Legislature. The apportionment was made to be dependent upon the "whole population."[52] Formerly, under the constitution of 1802, they had been excluded, the apportionment being based upon the number of "white male inhabitants."[53] The only effect of the change upon the negroes was that their destiny was put more fully than ever in the hands of their enemies. We have seen that almost all of the negroes lived in the southern counties of the State, and we have seen that there was the greatest prejudice against them in this section. This section now, through the negroes being counted in the census, secured greater representation in the Legislature and therefore greater power over them.

The next subject considered by the convention was how far negro education was to be in common with that of the whites.

Before considering the action of the convention, it will be helpful to glance at the status of the negroes educationally up to this time.

Prior to the year 1848, there had been no legislative provision whatsoever for the education of the negroes. There had been many acts providing for the instruction of the "white youth" only, and one act,

[52] Ohio Constitution, 1850-1851, Art. XI, Sec. 1.
[53] Ohio Constitution, 1802, Art. I, Sec. 2.

that of February 10, 1829, in express terms excluded blacks and mulattoes from the public schools. The act of February 24, 1848, provided for the first time in Ohio for the education of colored children as such and directed the levy of a tax for that purpose upon the property of colored persons alone. Of course this tax yielded almost nothing. This was the faint beginning of public education of the negro. The act was repealed in less than a year after its passage by the Act of February 10, 1849, which, although it was more complete and effective in its details, yet appropriated no other funds for the support of the colored schools, save those collected from the property of colored persons.[54]

This law was in force at the time of the constitutional convention. Many petitions, including those on equal rights, which we have previously considered, asked that better provision be made for the education of this class of people. In response to this sentiment, the committee on education reported to the convention the following clause respecting the establishment of public schools: "The General Assembly shall make such provision by taxation or other means—as shall secure a thorough and efficient system of common schools, free to all children in the State."[55] Immediately on the submitting of the report, Mr. Sawyer, the most bitter antagonist of all negro rights, moved to insert the word "white" before "children," thus making the clause provide schools, "free to all white children in the State." The reason given by Mr. Sawyer for his motion was that, aside from social objections, the opening of the public schools to the colored children would have a tendency to encourage negro immigration to the State, and thus Ohio would be burdened with the support of a still greater popula-

[54] Under the working of this law there were but 22 colored schools and but 702 scholars in the year 1853 in the whole State of Ohio.—Report State Commissioners of Common Schools, 1853.

tion of impoverished, if not vicious negroes.[55] The following argument on the other side was made by Mr. Taylor, of the Western Reserve: "The law of self-preservation demands that we give to all within the reach of our laws a good moral and intellectual training, or they will become the pest of society, being compelled to grow up in vice and ignorance. Shall we then by the adoption of this motion constitute a class who will become the inmates of our poor-houses and the tenants of our jails? No. But I am told that the negro belongs to a degraded and inferior race; so much the more reason for their education and improvement."[56]

While long speeches pro and con were made on this motion, strange to say, the vote thereon is not recorded in the minutes. It is probable that the motion was put and carried, judging from the words of a later speaker, Mr. Bates, who said, "I must express my regret and astonishment at the vote given a few minutes since, by which the word 'white' was inserted in the third section."[57] But it all came to naught, for soon after the convention decided to omit all of the clause after the word "schools,"[57] and thus the settlement of details was left to the Legislature.

The report of the committee on education had been accompanied by a minority report. The convention now proceeded to discuss this report, which, while favoring all that was contained in the majority report, added a proviso to the effect that "black and mulatto youth should not attend the schools for white youth unless by common consent."[57]

This left the settlement of the question to the separate districts. A motion was now made and carried to recommit the whole subject to the committee with certain instructions.

[55] Debates, II, 11.
[56] Debates, II, 11.
[57] Debates, II, 18.

But among a confused mass of motions made about this time, we find one interesting one that gives us a good idea as to how the convention and the people of the State stood on the idea of having the black and white children in the same school house. This motion was to eliminate completely the above mentioned proviso, thereby throwing open the public schools to blacks and whites alike. The motion was lost by a vote 27 to 61,[58] the voters lining up on this very much as they had on the two previous motions already discussed, viz, to give the negro the ballot and to enroll him in the militia. (See Map No. 5). And the explanation for the vote on all three motions is the same and is probably to be found in the following statement made by Mr. Archbold, of Monroe county: "As a member of the constitutional convention, I am convinced that public sentiment demands that the children of white parents should be kept separate in the common schools from the children of black people, and as a representative of the people I am bound to defer to their wishes."[58]

It was not till a few weeks before adjournment that the convention took up the second report of the committee and finally settled the matter of education. The clause that had caused so much discussion was now definitely fixed, and it provided simply for the establishment and maintenance of an efficient system of common schools, with no mention of the negroes. The question of who should participate in the privileges of the schools was left to the direction of the Legislature, to settle as circumstances and public sentiment might determine.[59]

The subject of immigration of negroes into the State was taken up and discussed a little, but never came to a vote, as it seemed to be the general consensus of opinion that it was impossible to enforce any

[58] Debates, II, 19.
[59] Debates, II, 699.

provision to keep them out. The idea of the State giving financial aid to the scheme for colonizing the negroes in Africa was discussed. The southern counties generally favored the project, and the northern counties opposed it. Some opposed it on the ground of justice and humanity; others, especially northern members, because the whole State would be taxed for the benefit of the southern counties. Many bitter enemies of the negro opposed it on the ground that it would encourage the negroes to come into Ohio by placing a premium on immigration, and the State "would become a great lazar house for all runaway and emancipated negroes around us."[60] The motion to give financial aid to the movement was lost by a vote of 26 to 71, even Mr. Sawyer's name being among the nays.

Having considered all the proposals before the convention in which the negroes were concerned, let us now take a hasty review of what we have found. We have found (1) that even the reception of petitions from, or in behalf of, negroes was seriously objected to; (2) that there was a very real division of the State into a "North" and a "South" over the negro question, and that the prejudice against the blacks seemed to be in proportion to their number, being much greater in the southern counties, where the negro population was quite large, than in the northern, where a negro was to be found just here and there; (3) that the negroes were debarred from enrolling in the militia of the State by a vote of 22 to 62; (4) that they were refused the right of suffrage by the overwhelming vote of 75 to 13; (5) that they were denied the privilege of entering the white schools by a vote of 26 to 61; and (6) we have found running through the whole debate intense prejudice or antipathy. As my primary object is to show what have been the thoughts and feelings of the people in the past on

[60] Debates, II, 598.

the negro question, I can close this chapter in no better way than to let a member of the convention himself do the interpreting of the actions of that body. "What accounts for this treatment of the negro? It is the color of his skin. Can you define that color precisely? We have heard of many instances of gentlemen of very high standing who have been taken for persons of 'color.' Suppose some legal consequences had been involved in the cases to which I allude, would the question of 'color' have been decided by the eye? No, certainly not. For by 'color' in these discussions we do not mean color at all. It is something with which the eye has nothing to do—optics are out of the question. What is it, then? Why, you must get his genealogy from the time of the deluge and, if you can discover one single cross with the descendants of *Ham*—he must stand condemned as a person of 'color,' for the principle is, that the mixture never runs out. Ten or ten thousand times diluted by mixtures with the *Caucasian* race, and it is still the same."[61]

[61] Debates II, 600.

CHAPTER VI.

LEGAL STATUS, 1850-1912.

After the repeal, or, rather, modification of the Black Laws[1] in 1849, the negroes were still under certain legal disabilities not suffered by the whites. They could not sit on juries and therefore were tried by a jury, not of peers, but of white men prejudiced against them; they could not gain legal residence within the State which would entitle them to enter a county poor-house or a State charity institution of any sort; they could not enter the public schools along with the white children, but were given a limited amount of inferior instruction all by themselves; and the State constitution prohibited to them the elective franchise.

In the constitution framed by the convention of 1850-51 and adopted by popular vote, we find them debarred from the militia and again denied the privilege of voting. While other measures in regard to the negroes were discussed in this convention and strong hints given as to what the State Legislature ought to do because its laws were not of so permanent a character, no further discriminations were embodied in the fundamental law of the State.

March 14, 1853, the Legislature disposed of one of the questions which had agitated the constitutional convention by passing an act for the better regulation of the public schools.[2] So far as the negroes were concerned, this was an improvement over the law made four years before, but in both laws their schooling was arranged to take place in separate schools from the whites. March 18, 1864, this law was amended again, but still the school children were classified on the basis of color.[3]

[1] See Chapter III.
[2] Ohio Laws, II, 441.
[3] Ohio Laws, LXI, 35.

Several attempts were made to have these laws declared unconstitutional, but the attempts failed. The courts held that the law was "not one of exclusion but a law of classification, providing for the education of all youths within the prescribed ages" but doing it in the most practical, and in fact only feasible, way, that by separate schools for blacks and whites.[4]

In the decision of the Supreme Court in the case of *Van Camp vs. Board of Education of Logan, Ohio,* in 1859, the above-mentioned law was upheld. But what is of far more interest in this case is the fact that the Supreme Court now reversed all its previous decisions on the matter of the quantity of negro blood necessary to exclude the owner from the white schools. We have seen[5] that the Supreme Court had declared in five different cases,[6] that a person having just a shade less than half negro blood in his veins was more a white person than a black and therefore was entitled to vote and to enjoy all other privileges equally with the whites. In the last two of these cases it had been decided by a mere majority vote. This was in 1842. Now in 1859 we find the Supreme Court by a vote of three to two deciding that "children of three-eights African and five-eighths white blood, but who are distinctly colored, and generally treated and regarded as colored children by the community where they reside, are not as of right entitled to admission into the common schools, set apart under the act of 1853 for the instruction of white youth." The decision handed

[4] *Enos Van Camp vs. The Board of Education of Logan,* Supreme Court, November, 1859.
State vs. McCann, XXI, O. S. 198.
Lewis vs. Board of Education, Cincinnati, Hamilton District Court, April 1876.

[5] See Chapter II.

[6] *Polly Gray vs. The State,* IV Ohio R. 353.
Williams vs. School Directors, etc., Wright R. 579.
Lane vs. Baker et al, XII Ohio R. 237.
Jeffries vs. Ankeny et al, XI Ohio R. 372.
Thacker vs. Hawk, Ib, 376.

down by Chief Justice Peck is so much along the line of this investigation that it really deserves to be quoted almost *in toto,* especially as it comes from so high a source. He said: "In determining what is to be understood by the term 'white' and 'colored,' as used in this act, (1853) we may look to the state of things existing at the time, the evils complained of, and the remedies sought to be applied: For nearly two generations, blacks and mulattoes had been a proscribed and degraded race in Ohio. They were debarred from the elective franchise and prohibited from immigration and settlement within our borders, except under severe restrictions. They were also excluded from our common schools and all means of public instruction—incapacitated from serving upon juries, and denied the privilege of testifying in cases where a white person was a party. It would be strange, indeed, if such a state of things had not increased, in the present generation, the natural repugnance of the white race to communion and fellowship with them.

"Whether consistent with true philanthropy or not, it is nevertheless true, that in many portions, if not throughout the State, there was and still is an almost invincible repugnance to such communion and fellowship. It is also to be borne in mind, that a class had grown up among us, which, though partly black had still a preponderance of white blood in their veins, and that the courts, influenced in some degree by the severe and somewhat penal character of the restrictions as to blacks and mulattoes, had held that such persons were not only entitled to vote at elections, and testify in our courts of justice, but were also admissible into the schools for white children. It is notorious that these decisions, especially the last, did not receive the hearty approval of the State at large. The prejudice of ages could not be dissipated by one or more judicial decisions, and the frequent suits brought to enforce such admission, evidence such feel-

ing on the part of young and old. These decisions in regard to the right of persons more than half white to testify, and to attend the common schools, have had their day, and accomplished their purpose, and we do not seek to disturb them.

"The plaintiff admits that they are, in fact, if not in law, colored children. Our standard philologist, Webster, defines 'colored people' to be 'black people' —Africans or their descendants, *mixed* or *unmixed.* Such is also the common understanding of the term. A person who has any perceptible admixture of African blood, is generally called a colored person. In affixing the epithet 'colored,' we do not ordinarily stop to estimate the prescribed shade, whether light or dark, though where precision is desired, they are sometimes called 'light colored,' or 'dark colored,' as the case may be. If we look at the evils the law was intended to remedy, we shall arrive at the same result. One of the evils undoubtedly was the repugnance felt by many of the white youths and their parents to mingling, socially and on equal terms, with those who had any perceptible admixture of African blood. This feeling or prejudice, if it be one, had been fostered by long years of hostile legislation and social exclusion. The general assembly, legislating for the people as they were, rather than as, perhaps, they ought to have been, while providing for the education and consequent ultimate elevation of a long degraded class, yielded for the time to a deep-seated prejudice, which could not be eradicated suddenly, if at all. Such an arrangement, in the present state of public feeling, is far better for both parties—for the colored youth as well as those entirely white. If those a shade more white than black were to be forced upon the white youth against their consent, the whole policy of the law would be defeated. The prejudice and antagonism of the whites would be aroused; bickerings and contentions become the order of the day, and the mor-

al and mental improvement of both classes retarded. It would seem then, from this examination of the law of 1853, and the circumstances under which it was passed, that the words 'white' and 'colored,' as used in that act, were both used in the ordinary and common acceptation, and that any other construction would do violence to the legislative intent, and perpetuate the very evils the act was intended to remedy. Such was also the construction which the act upon its passage received in many portions, if not throughout the State. The colored population, whether more or less than mulatto, affiliated with the blacks. Schools were organized, and a wholesome rivalry inaugurated between the two classes."[7]

This classification law of 1853 was again before the court in 1876 in the case of *Lewis vs. Board of Education of Cincinnati.* This action was in the case of a colored boy who was compelled to walk four miles in order to get to the colored school to which he was legally assigned. He went to a white school near to his home and tried to enter but was refused admittance. His father brought suit to compel his reception into the white school, but the court held that he would have to attend the colored school, as the law of 1853 was a law of classification only and was fair.[8]

In 1881 a similar case arose in the United States District Court of Southern Ohio, with a different outcome. "In Washington Township, Clermont County, Ohio, there are both white and colored schools. James H. Vines, a colored boy sixteen years old, chose to attend the white school, because it was over a mile nearer his home. The teacher denied the boy entrance. A suit for damages ensued, and the case finally reached the United States District Court.

[7] *Van Camp vs. Board of Education of Logan County, Ohio,* November Session, Supreme Court, 1859.

[8] *State of Ohio ex rel., Lewis vs. Board of Education of Cincinnati,* Hamilton District Court, April Term, 1876.

Judge Baxter charged the jury that, as the law now stands, the colored boy and the white boy are equal and the teacher had no right to discriminate between them. If the colored boy found it more convenient to attend the white school, no one could interfere with his choice. A verdict of $50.00 damages was given."[9] This decision must have been arrived at because of a violation of the 14th Amendment to the United States Constitution, or because the act was in violation of the Equal Rights Bill passed by Congress; otherwise it would not have come up before a United States Court.

The act of 1853 did not make it compulsory on the different localities of the State to provide separate schools for the blacks. Just after the Civil War there were some small places that saw fit for one reason or another to admit the colored people to the white schools. In the seventies both Toledo and Columbus threw open the white schools to them. Other towns followed, and this movement grew until 1887, February 22, when, on the grounds of expediency and economy, more than for the purpose of giving justice to the negroes, the law of 1853 and its amendment of 1864 were repealed, and the public schools were thrown open to whites and blacks alike.[10]

This repeal act of 1887 met with stubborn resistance in many quarters and even to this day remains a dead letter in several towns of the State. The following comments from several places will give a good idea of the reception of this idea of equality in the schools by the people of the State. John Hancock, of

[9] Ohio State School Cimmissioners' Report, 1881, 138.

[10] The act of 1887, repealing the separate school system, also repealed the following act, passed January 31, 1861: "A person of pure white blood, who intermarries with any negro, or person having a distinct and visible admixture of African blood, and any negro, or person having a distinct and visible admixture of African blood, who intermarries with any person of pure white blood, shall be fined not more than $100, or imprisoned not more than three months, or both."—Revised Statutes, Sec. 6987.

Chillicothe, writing in the *Ohio Educational Monthly* of January, 1888, says: "The abolition of colored schools by the last Legislature has been the cause of great strife and bitterness in many communities—strife and bitterness not likely to end for many a long day. It was urged in the discussion of the measure that the law providing for separate schools for colored youth was the last relic of race prejudice on our statute books, and that it ought to be wiped out. Sentimentalism dictated. The black race has not been benefitted, but on the contrary, the old race prejudices that slumbred, and in time were bound to die out, or at least to become greatly ameliorated, have been stirred into fresh activity and virulence."[11] A *United Press* dispatch from Ripley, Brown county, under date of February 14, 1889, said: "A peculiar state of affairs is brought to light among the farming communities in this county, produced by the now famous 'Arnett law.' Formerly the farms had numerous colored tenants but since the passage of the Arnett bill, which made mixed schools, the colored tenant farmer gradually is being driven out. Whenever his lease upon the land runs out he is quietly informed by his white landlord that the latter has another man for his place, and upon his applying to another farmer in the same district he is certain to be refused. In this manner the white farmers gradually, without violence or harsh means, remove the colored people from the community, until there is not one left in some of the school districts and the law which was intended to benefit, does positive injury to the colored man."[12]

"The white people of Felicity, Clermont county, Ohio, kept colored children out of the schools by force, and beat and maltreated the colored parents, destroy-

[11] *Ohio Educational Monthly,* Jan. 1888, 59.

The colored school in Chillicthe has remained to this day practically as it was before 1887, and the colored people, in the main, seem to take it as a matter of course and are satisfied.

[12] *Cincinnati Enquirer,* February 15, 1889.

ed their property in some cases, and established a boycott against all colored people, to drive them out. The Republican party leaders are also leaders in these outrages. We find no reference to these matters in the Governor's message."[13]

"The constitution and the law of Ohio guarantee to the colored children of Oxford, Ohio, admission to the public schools, but the white citizens of that village nullify that constitution, and deny the colored children their school rights.....Seventy-five of the leading citizens have banded together to boycott these poor negro children—not to protect themselves against the vote, the rule of these negroes—but to deny them the opportunity of education. And yet the people of Oxford would vote to enforce negro rule in Louisiana."[14]

"Another serious outbreak of race prejudice is reported from Ohio. New Richmond, a town of 3,000 inhabitants in Clermont County, has about 700 white school children to 300 black. After the repeal of the 'Black Laws' two years ago, and the consequent throwing open of the public schools of the State to children of both races, on equal terms, the negroes of New Richmond were persuaded to have their children kept in separate rooms, and thus virtually allow the old line of distinction to be maintained. But one negro, James Ringold, decided to insist upon his rights, and sent his children into a room occupied by white children. The little negroes were abused and made miserable in every way, and finally Ringold appealed to the courts to protect him and them, suing the Superintendent of Schools and thirteen prominent citizens for $5,000 damages. On Tuesday last the Circuit Court decided in his favor giving him one cent and

[13] *Cleveland Plain Dealer,* January, 1889.

[14] Judge William M. Dickson, of Cincinnati, in *The Commercial Gazette,* January, 1888.

costs. This showed the negroes generally that they could legally send their children into the rooms occupied by the white children, and they did so on Friday. Great excitement resulted and so much disgust was expressed that on Saturday the School Board closed the schools for the remaining three months of the school year, as the only way out of the difficulty. The situation yesterday is thus described in a dispatch to the Times: 'This has been one of the most interesting Sundays the place has ever known. The streets have been crowded all day. All other topics were forgotten. Ministers counselled forbearance, and wise heads attempted to calm the impetuous. Each side professes to fear violence from the other.' "[15]

In the town of Xenia, where the population has always been about one-third negro, owing partly to its being the location of Wilberforce College, there was a hard struggle between the two races soon after the repeal of the separate school law in 1887. The white people insisted on keeping the separate schools, practically as before, and they won finally. During the heat of the struggle a colored girl, urged on by a colored lawyer, went to the white high school to enroll. She was refused but went into the room and defiantly sat down. Although consternation reigned, they did not forcibly eject her. Suit was then brought for damages, and the school board lost, but it was not beaten. By the use of a little "gerrymandering" they then districted the city so that the main body of colored children would fall in the colored schools, and the main body of the white children in the white schools. Of course there would be some white children included in the black district and, by making special request, these would be given the privilege of going over to the white school. The same held good for the black children in the white district. The result was that

[15] *New York Evening Post,* April, 1889.

no white children attended the black schools and but a few black children attended the white schools.[16]

We have seen now the end of the struggle for equal school privileges for the two races. The struggle for the elective franchise was waged more fiercely but came to its end sooner. This was due not to State action but to the action of the United States. The closing years of the struggle are filled with interest. We remember that in the first constitution of 1802 and the second of 1851, "Every white male"[17] was entitled to vote. We have seen that the Supreme Court in 1842 declared that all men nearer white than black, or of the grade between the mulatto and the white, were, so far as blood and color were concerned, entitled to vote as "white male citizens."[18] We have also seen this decision set aside in 1859 by the Supreme Court.[19] And in this same year, 1859, the following statute was placed upon the statute book of the State: "Be it enacted by the General Assembly of the State of Ohio, That the judge or judges of any election held under the authority of any of the laws of this State, shall reject the vote of any person offering to vote at such elections, and claiming to be a white male citizen of the United States, whenever it shall appear to such judge or judges that the person so offering to vote has a distinct and visible admixture of African blood."[20]

Near the close of the war there was quite an agitation over allowing the negroes to vote, possibly caused to some extent by the fact that many of them had gone to war and fought for their country. The Ohio

[16] This condition of affairs has continued and is in existence today. I received my information about Xenia direct from a perfectly reliable source while personally investigating conditions there. I was asked for good reasons not to mention the name of my informant.

[17] Constitution of 1851, Art. V, Sec. 1.

[18] *Jeffries vs. Ankeny,* XI Ohio Reports, 372.
Thacker vs. Hawk, XI Ohio Reports, 376.

[19] *Van Camp vs. Logan,* November Session, 1859.

[20] Ohio Laws, LVI, 120.

Democratic State Convention, assembled in Columbus, August 24, 1865, declared "that the effort now being made to confer the right of suffrage upon negroes was an invidious attempt to overthrow popular institutions by bringing the right to vote into disgrace."[21] It also feared that if allowed to vote, the negro would hold the balance of power in State politics and would therefore be subject to white demagogues and renegades; that the white laborer, by force of negro competition, would be reduced to the condition of Russian serfs and "Ohio would become the negro paradise and the white man's wilderness."

April 6, 1867, the General Assembly decided to put the matter of negro suffrage directly to the people for decision and submitted an amendment to the State constitution providing that "All male citizens" should have the elective franchise. This was voted on in October of the same year and was rejected by the large majority of 38,353.[22] Thirty-two counties gave

[21] Pamphlet, 1865—*Negro Suffrage and Equality*, 15.

[22] Just as a good cartoon often serves to depict things more clearly and vividly than much cold prose could do, so the following write-up of the above election pictures to our minds the feeling that held sway in the minds of the white voters of the State. By its exaggeration and the fact that the article was so extensively used at the time by the newspapers of the State, one is convinced that the truth that it clothed was real. The article is headed

"MR. NASBY ASSISTS IN THE OHIO ELECTION."

"Feelin thet the time hed arrived which wuz to deside whether 7000 degradid niggers wuz to grind 500000 proud Caucashuns into the dust, I felt thet if I shood fail in my dooty now, I shood be foriver disgraced. Accordingly, I put in the elecshun day at a Dimocratic town in Ohio—the battle field—the place into which I made a speech doorin the campane.

"I arrived ther on the mornin' of the elecshun, and found thet comprehensive arrangements hed bin made fur defeatin this most nefarus and dangerous proposishun.

"Paradin the streets az early as 7 A. M. wuz a wagon containin 25 virgins runnin frum 27 to 41, and over their heads wuz banners with the inscripshuns: 'Fathers, save us frum nigger ekality! White husband or Nun.'

"In another wagon wuz a collecshun of men which hed bin

a majority in favor of negro suffrage, and fifty-six counties gave majorities against it. (See Map No. 6.)

This expression of the people plainly told their representatives in the State Legislature what action they wanted from them in any measure affecting the negroes. Congress had proposed to the States the Fourteenth Amendment in June, 1866, and Ohio had ratified it in January, 1867.[23] One year later, January, 1868, the Legislature, feeling that they had made a mistake, judging from the popular vote just taken on negro suffrage, rescinded the resolution of ratification.[24]

April 16, 1868, the General Assembly, in order to carry out more fully the will of the people, passed "An

hired frum the railroade whoose banners red: 'Shel ignerent niggers vote beside the intelligint white men?' and the follerin verse:

"'Shel niggers black this land possess,
And rool us whites up here?
Oh no, my frends, we ruther guess
We'll never stand that ere.'

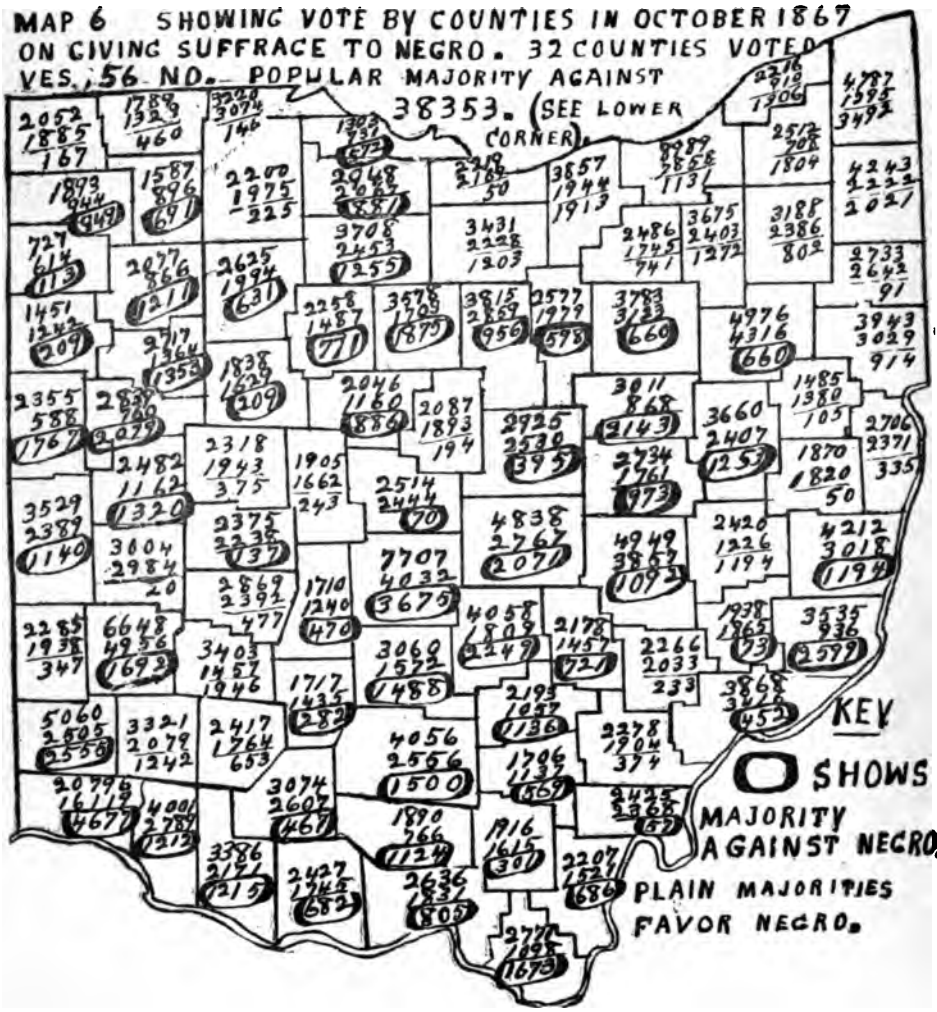
"Hangin over the elecshun polls wuz a peece uv muslin onto which wuz painted in large letters, 'Caucashuns, Respeck yer Noses —the Nigger Stinks!' Then I knowed it wuz safe. That odor hez never yet bin resisted by the Dimocrasy and it hez its influence on Republikins.

"I never saw sich enthoosiism, or more indicashuns of pride of race. As ividence of the deep feelin in the community I state that nine paupers in the poor house demanded to be taken to the polls that they might enter their protest agin bringin the niggers up to an ekality with them. This wuz nine gain with no offsets ez there wuz no abolitionist in the institooshun. Two men in the jail for petty larceny wuz, at their request, taken out of doorance vile by the sheriff, thet they might by the ballot protest agin bein degradid by bein compelled when their time wuz out to acknowledge the nigger ez their ekal.

"One enthoosiistic Democrat, who cost us $5.00 hed to be carried to the polls. He had commenced early at one of the groceries and had succumbed before votin. We carried the patriotic man to the polls, put a strait ticket into his fingers, and guided his hand to the box. Ashoorin him thet it wuz alright he suffered me to hold his hand out to the judge, who took the ballot and dropped it in the box, 'Thank Hivin!' sed he, 'the nagar is not yit my ayquil.'"—*Ohio State Journal*, Oct. 21, 1867.

[23] Laws of Ohio, LXIV, 320.

[24] Laws of Ohio, LXV, 280.


MAP 6 SHOWING VOTE BY COUNTIES IN OCTOBER 1867
ON GIVING SUFFRACE TO NEGRO. 32 COUNTIES VOTED
YES, 56 NO. POPULAR MAJORITY AGAINST
38353. (SEE LOWER
CORNER).
KEY
O SHOWS
MAJORITY
AGAINST NEGRO.
PLAIN MAJORITIES
FAVOR NEGRO.

MAP 7-OHIO-1870
NEGRO POPULATION
TOTAL 63213
42 WILLIAMS
FULTON 23
766
OTTAWA 92
100 LAKE
152 ASHTABULA
DEFIANCE 111
11 HENRY
43 WOOD
SANDUSKY 143
942 ERIE
1106 LORAIN
1445 CUYAHOGA
GEAUGA 21
PAULDING 475
73 PUTNAM
159 SENECA
200 HURON
50 MEDINA
SUMMIT 299
PORTAGE
TRUMBULL 283
257 MAHONING
VAN WERT 204
213 ALLEN
HANCOCK 117
274 HARDIN
84 WYANDOT
CRAWFORD 101
1144 RICHLAND
26 ASHLAND
55 WAYNE
STARK 318
COLUMBIANA 485
MERCER 444
AUGLAIZE 61
97 MARION
143 MORROW
HOLMES 4
CARROLL 58
600 SHELBY
962 LOGAN
343
557 DELAWARE
186 KNOX
TUSCARAWAS 116
JEFFERSON 1205
UNION
COSHOCTON 33
485 HARRISON
DARKE 561
MIAMI 1049
CHAMPAIGN 1110
LICKING 243
MUSKINGUM 1166
GUERNSEY 345
1207 BELMONT
CLARK 2066
705 MADISON
FRANKLIN 2768
314 FAIRFIELD
PERRY 80
NOBLE 86
PREBLE 419
MONTGOMERY 609
GREENE 3815
1074 FAYETTE
PICKAWAY 1080
MORGAN 236
MONROE 103
988 BUTLER
WARREN 1178
1145 CLINTON
142 HOCKING
1058 WASHINGTON
ROSS 3230
208 VINTON
ATHENS 773
HAMILTON 7432
1684 HIGHLAND
1629 CLERMONT
PIKE 1142
789 JACKSON
MEIGS 1624
BROWN 2067
373 ADAMS
1013 SCIOTO
2802 GALLIA
2247 LAWRENCE
COLOR KEY
0-100
100-500
500-1000
1000-2000
2000-5000
5000-10000

Act to Preserve the Purity of Elections."[25] The object of the law was to minimize the chances of negro voting, by certain strong provisions: Any person, offering to vote, who had the least negro blood visible, was compelled to take an oath to answer certain questions, and the object of these questions was to elicit the confession that he was a negro. If he swore falsely, he was to be imprisoned in the State penitentiary for three to ten years. The judge of elections receiving the vote was made liable to six months in the county jail, and a civil action might be brought against him by any citizen of the county for $500.00 damages.

Such was the sentiment in Ohio when Congress on February 6, 1869, presented to the States for ratification the Fifteenth Amendment, which declared that "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude." The spirit of this amendment being against the constant policy of the State and especially against the popular vote on negro suffrage so recently taken, the Legislature on May 4, 1869, forwarded to Congress her refusal to ratify.[26] Much pressure was brought to bear on the State to have this reconsidered and, finally, when it was certain that the amendment would pass regardless of Ohio's action, the matter was again taken up by the Legislature, and it was decided to ratify, the vote in the Senate standing 19 for ratification and 18 against.[27] The measure was signed by the Speaker of the House and the President of the Senate January 27, 1870, and sent to Congress. The Fifteenth Amendment soon went into effect, and in this way the negro gained the ballot in Ohio, and the long struggle was over.

[25] Laws of Ohio, LXV, 97.
[26] Laws of Ohio, LXVI, 424.
[27] Senate Journal, LXVI, 44.

A little indication of how the law went into effect may be gleaned from the following: "In April, 1870, the colored citizens of Chillicothe exercised for the first time their right to the ballot. There was not wanting, among the conservative citizens of the ancient capital, many who predicted disturbances at the polls, but the election passed without even an approach to an 'emeute.' Large numbers were drawn to the vicinity of the polls by the novelty of the scene, and perhaps, too, in expectation of collisions; but nothing occurred to mark the day but the sound good sense shown by the enfranchised race. Many came early to the polls, before the white voters had collected in any numbers, voted and went their way. Those who came late, or remained at the polls, avoided all demonstrations calculated to arouse the antipathy of their opponents. Among the humorous incidents of the day, the following, related of an aged colored citizen, who presented himself at the East Scioto precinct, clothed with the new dignity, will carry off the palm for scenic and dramatic effect: Depositing his ballot with a solemnity of manner which clearly evinced his estimate of the act, and hesitating as if he did not consider the great transaction complete, he was told to give way for the next voter. Looking anxiously at the judges he inquired: 'Whah's my stificate?' 'What do you mean?' inquired the judges. 'Why, I want my 'stificate to show de ole woman dat I done voted. She 'clar she won't bleeve me less I bring de receet.' "[28]

In 1884 an act was passed, and this was amended in 1894, giving to the negro full equal rights.

As the wording of this is important, for many reasons, but especially for an understanding of the way in which it has since been enforced, I quote quite fully from it: "Whereas, it is essential to just government that we recognize and protect all men as equal before the law, and that a democratic form of

[28] *History of Ross and Highland Counties*, 1880.

government should mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law, therefore:

"Section 4426—1. That all persons within the jurisdiction of said State shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water, theatres and all other places of public accommodation and amusement, subject only to the conditions and limitations established by law, and applicable alike to all citizens.

"Section 4426—2. (Penalty—Fine, from $100 to $500, and imprisonment, from 30 days to 90 days).

"Section 4426—3. That no citizen of the State of Ohio, posessing all other qualifications—shall be disqualified to serve as grand or petit juror in any court of said State on account of race or color. (Penalty for officer disregarding this the same as above).[29]

So far as I have been able to find, no law respecting the negro has since been passed, and today the laws of Ohio make absolutely no distinction in regard to the rights and liberties of the white and black citizens of the State.

[29] Revised Statutes of Ohio, Sec. 4426.

CHAPTER VII.

SOCIAL STATUS, 1850—1912.

Legal equality and social equality did not go hand in hand. There is nothing that I have been able to find tending to prove that the white man, during this period from 1850 to 1912, granted further legal privileges to the black man on account of holding him in higher esteem. His voting privilege was given him by the United States and not by the people of his own State. I think it fair and correct to conclude, taking an extended view of the whole subject and especially in view of present-day conditions, that the final remnants of the Black Laws were repealed in 1887 for the following reason: The people of the State were willin to accept the *theory* of equality before the law[1] (the practise of it they could look out for afterwards) if, as a compensation, they could secure internal peace in politics[2] and freedom from reproach from outside sources for mistreatment of the people in behalf of whom so many of their fellow-countrymen had given up their lives.

There is no denying the fact that the colored people themselves improved much during this period in more ways than one. This they did for the reason that the door of progress was thrown open to them more than ever before. Yet their real standing in the white man's innermost feeling did not improve.

To prove this statement so that it may have more meaning and weight is the justification for the present chapter. The way in which this feeling manifested itself was somewhat different. In the descrip-

[1] Revised Statutes, 4426.

[2] As the negro was in possession of the voting privilege and at the same time was anxious for equal school privileges with the whites, the promise of this concession was a constant sop served up to him by the political parties.

tion of the social status before 1850 I pictured conditions in Cincinnati quite fully, since they were typical and at the same time full of interest because of the large number of black residents there. In this chapter, while I shall give several incidents as evidences of prejudice from all sections of the State, I shall describe conditions in detail in two places only, viz., Columbus, the capital, located in the center of the State, and Waverly, one of the many small towns of the southern part of the State.

In the *Life of Thomas Morris* we find the following incident recorded: A colored clergyman of the Methodist Episcopal Church about 1850 applied to the judge of a court in Brown county, having proper jurisdiction, for legal authority to perform the marriage ceremony. The prejudice of the judge was so strong against the color of the applicant that, in the exercise of his authority, he peremptorily refused to grant the negro clergyman the license to which he was legally entitled. The matter was carried up to the Supreme Court, and there a mandamus was issued to compel the lower court to grant the license asked for.[8]

The following incident occurred in Cincinnati in 1859: A mulatto woman stepped upon the platform of a street car under ordinary circumstances for the purpose of taking her seat in the car as a passenger. The conductor immediately ordered her to leave the car, which she refused to do, claiming a right to ride. The conductor thereupon forcibly ejected her. She brought action for assault and battery. The railroad claimed in defense that as she was a person of color they had a right to expel her from the car, as they

[8] B. F. Morris, *Life of Thomas Morris*, 339.

The following from the *Portsmouth, Ohio, Blade*, January 26, 1910, will be interesting: "William Kinnon, colored, applied for a license Saturday to marry Mary Leonard, a white woman. Probate Judge Beatty refused the license. He says that, unless he is compelled to by mandamus proceedings, he will not issue a license to a white woman and colored man, or vice versa."

were common carriers for hire. The judge, in handing down his decision, fixing a fine of $10.00 and costs, said, "It is not pretended that the passenger was in any way disorderly, that she refused to pay her fare, that there was any lack of room for her accommodation, or that there was any objection to her whatsoever but her complexion. As she appears upon the stand she seems to be about as much of the white as the African race, in fact a mulatto, and apparently one of the better portion of her class."[4]

In 1876 Wilberforce College, located near Xenia and the only colored institution of any pretentions in the State, was burned to the ground by citizens who were driven to desperation by having such a drawing-card for the immigration of colored people into their midst. President Daniel Payne, writing of the calamity that had befallen the colored people, said, "Everything indicated a prosperous future, when suddenly the buildings were set on fire. The catastrophe fell upon us like a clap of thunder in a clear sky. It was a time of lamentation for our friends, and rejoicing for our enemies. Said one of the latter, 'Now their buildings are burned, there is no hope for them.' Another said, 'I wish lightning from Heaven would burn down Wilberforce.' This one supposed his impious prayer was more than answered."[5]

The colored people of the State of Ohio held a convention in Chillicothe August 22, 1873, and from their resolutions the following will help us to see the situation from their point of view: "Resolved, that Republican constituencies fail to recognize the fact that rights and political preferment should depend upon merit, and not upon the mere accidents of race and color. If a stranger visiting Ohio should consider the race of the men appointed to office by national au-

[4] *Weekly Law Gazette,* IV, 359-360.
[5] *Historical Sketches of Ohio,* article on Higher Educational Institutions, by Daniel A. Payne.

thorities, or if he should make a tour of the court houses, the State House, the asylums, and other buildings controlled by the Republican party, he would be justified in believing that there are no colored men in the State, so rigidly are we excluded from anything that might look like an equality of right in office-holding.

"Resolved, That we, the colored voters of the State of Ohio, in convention assembled, do protest against the unjust discrimination toward us by the representatives of the party whom we aid in securing official positions.

"Resolved, That the colored voters of Ohio do not consider themselves under eternal obligations to a party which favors us as a class, only in proportion as it is driven by its own necessities."[6]

The effect of these resolutions may be seen in the following editorial article in *The Columbus Dispatch* of September 8, 1873, but two weeks after the resolutions were made: "Alluding to the nomination of the colored preacher, Poindexter, for Representative to the State Legislature, by the Republicans of Franklin county, the *Cleveland Plain Dealer* truthfully remarks: 'The object the Franklin Republicans had in nominating Poindexter is evidently accomplished, so far as James himself is concerned. That object was to placate the colored element which is clamoring for office. Mr. Poindexter, in his joy at receiving a nomination, evidently forgets that his election is out of the question. By and by he will appreciate the thinness of his honors."[7] And this must have been true, judging from the vote on October 14, when the Democratic candidate received 3,684 votes and Poindexter, the Republican candidate, received 1,794 votes, in spite of the fact that Columbus was decidedly a Republican city.[8]

[6] *Columbus Dispatch,* August 8 and 23, 1873.
[7] *Columbus Dispatch,* September 8, 1873.
[8] *Columbus Dispatch,* October 15, 1873.

In the year 1873 the Board of Education of Columbus decided to admit the son of the colored school principal into the white high school. During the year the boys of the school met to organize a cadet corps, and the colored boy was among them. When the time came for them to go forward and sign the roll of membership, the colored boy stepped up also. This action was greeted with a storm of hisses and stamping on the floor, indulged in by almost all the boys present. The colored boy signed his name nevertheless and sat down, but the sensation that he had stirred up did not settle down so soon, not, indeed, until the name was erased from the roll, and the white boys' feeling of superiority was vindicated. This feeling must have been shared in by their elders, judging from the following in *The Dispatch* the next day: "The colored youth who was urged by his less intelligent elders to push himself forward as a member of a new organization of cadets in this city has had the good sense to withdraw his name. The colored people are developing little intelligence in endeavoring to intrude themselves into all sorts of society where they are unwelcome guests, and where evidently they labor under distinctions that may be odious, but that are, nevertheless, common to both races. A colored organization of cadets would permit no 'white trash' in the parade, and why should the rule be reversed merely to establish a buncombe political idea."[10]

An incident occurred in Columbus in 1873 which almost precipitated a clash between the two races and served to bring out a strong expression of race prejudice. A colored man presented parquet tickets at the door of the Atheneum theater for admission. The doorkeeper told him that it was an inflexible rule of the management not to sell tickets for this part of the house to colored people, and therefore he could

[9] *Columbus Dispatch*, October 15, 1873.
[10] *Columbus Dispatch*, January 20, 1874.

not let him enter. He took the ticket to the office, had it redeemed, and offered the money to the negro, who refused it. The latter then went away and meeting the doorkeeper again about the second day after this he fell upon him and beat him in a terrible manner. Much indignation was expressed against the colored race, and the colored people called a mass meeting and appointed a committee to investigate the whole matter. The newspapers also began a little investigation of the feeling against the blacks, and these are some of the things they found: Not only were the majority of the white citizens in favor of the black people being excluded from certain sections of the theater, but their repugnance to the colored people was so strong that they kept them out of the white schools, out of Trinity Episcopal church, and colored children were debarred from the Hannah Neil Mission, a large charitable institution for homeless waifs. *The Dispatch* in an editorial said: "Universal equality is a myth. There are not only distinctions in race and color, but in politics, religion, business and society, and always will be. It is a fact that there is a large class of people who will say that the colored people ought to be admitted to the parquet of a theatre, but few of *them* want to sit by him."[11]

An attempt was made in the city council December 16 to pass an ordinance forbidding managers to exclude colored people from any part of a theatre, but it failed to pass by a vote of 9 to 10.[12]

The colored people met again December 17 to hear the report of the committee appointed at their last meeting to investigate the affair. The committee in its report took the broad ground that the manager, in order to preserve his business, was compelled by public prejudice to reserve a part of the house for white people and was therefore more deserving of pity than

[11] *Columbus Dispatch,* December 5 and 18, 1873.
[12] *Columbus Dispatch,* December 16, 1873.

censure. They said that the manager had told them that many of their Republican friends who pretended such great interest in them were among those who had expressed themselves privately to him as being opposed to the blacks sitting in the parquet.

The committee thought that it would be wise for colored men to keep out of places where they were not wanted. "In conclusion, your committee gives it as their opinion that while colored men's duty to their country, and to themselves and their children, require a manly resistance, at whatever cost, to every encroachment upon their rights as citizens, which inflict real injury, such as obstructing their rights of travel on railroads and steamboats, denying them suitable accommodations at places of public entertainment, or in the asylums of the State or poor-houses which are sustained by public tax, it is unwise to worry at an exclusion from amusements."[18]

The report was thoroughly discussed, condemned by some and approved by others, and in speeches on the subject these facts were brought out: 1. The negroes were practising the same thing that the manager of the theater was, in that many of them had barber shops in which they catered to the white trade only and refused to do work for their own race out of fear of losing the white men's trade. 2. The action of the Hannah Neil Mission in excluding colored children was in harmony with the view of all the Protestant churches, and the only way in which they might better themselves in this regard was to affiliate with the Catholic Church. 3. Their being excluded from places of amusement was a very little thing in comparison with their being excluded so generally from railroad cars, hotels, schools, and charitable institutions. These were the things to be striven for.

Having now seen the ways in which prejudice asserted itself in one of the largest cities of the State, let

[18] *Columbus Dispatch*, December 18, 1873.

us turn our attention to one of the smaller cities of the southern part of the State, and we shall find a picture different in details only. We are indebted for the following description of conditions in Waverly, the county seat of Pike county, to Henry Howe, author of *Historical Collections of Ohio*:

"Waverly, having a population of 2,000, does not harbor a single negro within her borders. When Waverly was still in its swaddling clothes, there was a 'yellow nigger' named Love living on the outskirts of the town. He was a low-minded, impudent, vicious fellow, very insulting, and made enemies on every hand. His conduct finally became so objectionable that a lot of the better class of citizens got together one night, made a descent upon his cabin, drove him out and stoned him a long way in his flight toward Sharonville. He never dared to come back.

"There was a splendid fellow, a darkey named Dennis Hill, who settled at Piketon and established a tanning business, who was almost harassed to death by the negro-haters. He finally left this section and went to Michigan, where he grew rich.

"Dr. William Blackstone was a strong exception to the general rule. He was a friend of the negro, their champion, and the prejudiced whites accused the doctor of 'encouraging the d——d niggers to be impudent and sassy to us.' Opposed to Blackstone was a strong family of Burkes, and a number of the Downings, who thought that the only correct way to treat a negro was to kill him. This was their doctrine, and they proclaimed it, with much bravado, on all occasions.

"A lot of Virginia negroes settled up on Pee Pee creek, in the neighborhood of the Burkes and the Downings. Some of them prospered nicely, and this enraged their white neighbors. Tim Downing was the leader of the gang that made almost constant war on these negroes. Downing's crowd got to burning the

hay and wheat of the colored farmers, harrassing their stock, interfering in their private business, and doing everything in their power to make life absolutely miserable to the colored people.

"One night they organized a big raid into the colored settlement, with the avowed purpose of 'clearing out the whole nest of d——d niggers.' They went fully armed, and didn't propose to stop short of doing a little killing and burning. One of the first cabins they surrounded was that of an especially hated colored man. They opened fire upon it, hoping to drive the negro out. But the darkey,—an honest, peaceable fellow,—wasn't to be easily frightened. He, too, had a gun, and taking a safe position near one of the windows of his cabin, he blazed away into the darkness in the direction from which the shots had come. A wild cry of pain followed his shot. The buck shot from his gun plunged into the right leg of Tim Downing's brother, cutting an artery. Downing fell, but he was picked up and carried to the home of Bill Burke. The crowd abandoned the attack after Downing's fall, and followed him to Burke's house. There Downing bled to death. A coroner's jury was empanelled, and the gang of whites to which Downing belonged surrounded the house in which the jury was in session, and threatened it with all sorts of vengeance if it did not return a verdict expressing the belief that Downing had been murdered by the negro. But their threats didn't procure the desired verdict.

"The morning after the fatal raid, the Downings, Burkes and their friends, armed themselves and marched to the negro's cabin. They lay in wait there until the darkey's son, a nice young fellow, came out of the cabin. They opened fire on him, and one of the bullets struck him in the head, fracturing his skull. When the young man fell the crowd broke and ran. The wounded negro lingered quite a long while, suffering most frightfully, and finally died. No one was

ever punished for this crime. After these two tragedies the negro moved away.

"Tim Downing had a brother, Taylor, living up near Sharonville, and this man concluded that he had to have 'an eye for an eye,' to avenge his brother's death. One morning, just after Downing's death, he was going through the woods with his gun on his shoulder, and came upon a negro chopping rails. He told the darkey to make his peace with God, as he was going to kill him right there. The darkey knew that Downing meant what he said, and quick as a squirrel's jump he made a dash at Downing with his ax, striking him full on the side of the face and shattering his jaw in the most frightful fashion. Downing lived, but he was horribly marked for life. The negro was arrested and tried, but was acquitted. This only enraged the white gang more, and they made life in this neighborhood entirely too hot for the negro. It was under such circumstances as these that the bitter anti-negro feeling at Waverly had its origin. . This race hatred was fostered and extended until even moderate-thinking people, on any other subject, came to believe that they couldn't stand the presence of a negro in Waverly.."[14]

We have seen in this description of the feeling in Waverly that it was necessary to shed blood in order to appease this feeling of race hatred. There are other instances of the shedding of blood in the State of Ohio to satisfy this same feeling. In many cases have the laws of the State been set at naught by the people, who, to punish the negro for his crimes, have proceeded to lynchings and riots. Since there is no question that white people have committed crimes just as heinous before the law and yet none of that class, so far as I have been able to find, have been lynched in the

[14] Henry Howe—*Historical Collections of Ohio*, 89.
This place to this day, 1912, prides itself on the fact that no negro is permitted to live in the town.

State, in each one of the following lynchings and riots there will be apparent that feeling of bitterness which is so peculiarly felt toward the negro by the white man.

November 22, 1856, according to N. W. Evans in his *History of Adams County,* a negro committed an outrage on a white woman of Manchester, Adams county, while her husband was absent. The negro was promptly arrested and jailed. Over a hundred of the best men of the town mounted horses, rode to the county seat, broke into the jail, took the negro out and across to the Kentucky shore of the Ohio river and there hanged him.[15]

And in the same county, January 10, 1894, a colored boy was lynched by a mob of enraged citizens for murdering an old couple, Luther Rhine and wife.[16]

At Galion, Crawford county, in the northern part of the State, a colored man, Frank Fisher, was lynched May 1, 1882, in broad daylight for having ravished a young white girl. His body was shot full of bullets and left hanging by the roadside on the outskirts of the town.[17]

October 17, 1894, there was a riot at Washington Court House, Fayette county, and a negro was lynched, in spite of the militia sent to protect him.[18]

In New Richmond, Clermont county, in 1895, an old gentleman, who was a banker and noted for his friendship to the colored people, stopped a negro on the street one day and asked him why he was not working. The negro became enraged and choked the man to death on the spot. The business men of the town quietly took the negro and hung him to a tree in the center of the town, the whole affair, murder, cap-

[15] *History of Adams County*—N. W. Evans and E. B. Stivers, 444.

[16] Ibid, 393.

[17] *Cleveland Leader,* May 2, 1882.

[18] *Ohio State Journal,* October 18, 1894.

ture, and execution, occupying less than two hours' time.[19]

June 4, 1897, there occurred at Urbana, the county seat of Champaign county, the lynching of Click Mitchell for assault on an old woman. He had pleaded guilty and had been sentenced by the court to the penitentiary for twenty years, the full limit of the law. This did not satisfy the people, and on June 2 a mob began to assemble, and each attack on the jail was resisted by the local militia company. On the 3rd the mob grew larger, and a rush on the jail was followed by a killing. Other militia came from Springfield, but they were spirited away, and a final rush on the jail on the morning of the 4th enabled the mob to secure its victim. He was dead before he was hanged to a tree in the court house yard.[20]

The Puritan Western Reserve, the stronghold of pro-negro feeling, was the scene in 1900 of the bloodiest riot over a negro that the State has ever witnessed. The negro had ravished a twelve-year old white girl. He was captured by the police and lodged in jail. A mob soon formed and attacked the jail. The militia was called for, and the policemen of the city stood to their duty. The mob kept growing larger and larger, and the militia kept coming in until it looked as if real civil war was at hand. Many attacks were made on the jail, but finally the negro was spirited away and taken by special train to Cleveland, where he was lodged in jail. The trouble continued in Akron until several lives were lost and many persons were wounded.[21]

While the Akron riot is the bloodiest in the history of the State, the Springfield riots of 1904 and 1906 are the most notorious for the display of race

[19] *Ohio State Journal,* July, 1895.

[20] *Columbus Dispatch,* March 8, 1904.

[21] As a result of this bloody riot, there is intense bitterness to this day in Akron between the police and the citizens. The negro is in the Ohio penitentiary.

prejudice. A negro on March 6, 1904, shot a policeman. He was arrested and placed in the county jail. On Monday noon, March 7, the policeman died. From the time of the shooting, there was talk of lynching which grew decidedly strong after the death of the policeman. That night the mob formed, took the negro from the jail, hung him to a telephone post at the main business corner and then filled his body with bullets. The mob, not yet satisfied, then proceeded to the main negro district of the city, the Levee, which was a block of tenements about three hudred feet long, and this they burnt to the ground. The Adjutant General of the State, who had command of the militia on this occasion, says in his report: "It is my belief that both Police and Fire Departments of the city were not only in sympathy with the intent of the mob to burn this district, but in a measure aided the movement by dilatory action."[22]

In less than two years Springfield was again the scene of a race riot. February 27, 1906, a brakeman of the Big Four railroad was shot by two negroes in the switching yards at Springfield. The negroes were arrested the same day and confined in the county jail, but were shortly afterward secretly removed to the county jail at Dayton. Early in the evening a mob formed and threatened the jail. Finding that the negro had been taken away, the mob proceeded to the "Jungles," another negro district, where they demolished several dwellings and a saloon and set fire to the rest of the buildings, many of which were destroyed.[23]

We have seen now the many violent outbreaks of race prejudice in which the people took the law into their own hands. Nominally the lives of negroes have been under the same protection of law as those of the

[22] Adjutant General's Report, 1904, 434.

[23] In my opinion, after a personal investigation in 1908, this town will be the scene of a yet worse riot in the not distant future, whenever the negro oversteps his bounds again and arouses the slumbering enmity of his white neighbors.

white people. Actually it has not been so. We have seen[24] that the negro legally is privileged to enjoy equal rights with the white man in the way of securing accommodations at hotels, restaurants, theatres, and all such public places. We shall see now how the people of the State take this law also into their own hands, deny the negro equal accommodations, and, when brought before the court, succeed in almost every instance in escaping penalty. The law granting equal rights was passed in 1884. The following is a brief account of the cases wherein the law was violated coming before the courts since that time:

In Cincinnati, March 3, 1887, a negro entered a restaurant and asked the proprietor for his dinner; he was refused and told that colored people were not served there. He then went to another restaurant, where he was again refused for the same reason as at the first. At this second place, however, he was told that if he insisted they would feed him, but he would have to go into the cellar to eat. This he refused to do. He then brought suit for damages against both firms for violation of the equal rights act,, and the common pleas court and, later, the circuit court, decided that there was not sufficient cause for action, "as the business of defendants was one which existed independent of permission of public authority, and they could supply or refuse to supply to any person they pleased."[25]

Ten years later, 1899, a negro brought suit against the Fountain Square Theatre company of Cincinnati for refusing to sell him a ticket to the parquet section of the theatre on account of his color. The lower court allowed the negro $200.00 damages. The case was appealed to the circuit court, and the decision was reversed, on the technicality that the negro did not show

[24] Chapter VI.

[25] *John W. Hargo vs. Meyers and Ludecke; John W. Hargo vs. Harff and Cramer,* Ohio Circuit Court Reports, IV, 275-276.

that the company had instructed the ticket agent to refuse tickets to members of his race. The following statement closes the decision of the court, "Whether allegation and proof that the ticket agent was given authority to exercise his own discretion in selling or refusing to sell tickets to persons applying therefor would be sufficient to charge the principal with liability for such act as that complained of, we do not decide."[26]

December 19, 1899, the Supreme Court of the State handed down an important decision in the case of a negro who was charged thirty cents for a drink of liquor in a saloon of Akron, Ohio, for which same drink all white men were compelled to pay but fifteen cents. The case first came up before the common pleas court, where it was dismissed on the ground "that there was no cause for action." It was then appealed to the circuit court, which affirmed the action of the lower court. Then, being carried to the highest tribunal of the State, the Supreme Court, it there met the same fate.[27]

In 1901 another action was before the court, for denying equal rights to the negro, and this time the discrimination was found in Cleveland, the very center of the Western Reserve. A negro was refused the privilege of bowling in one of the public parks. He brought suit against the owner of the bowling alley, and the common pleas court decided that "there was no cause for action." It was appealed to the circuit court, and this court referred it back to the lower court for further consideration.[28]

In the city of Xenia, in 1906, we find the son of a colored lawyer entering a restaurant on purpose to be

[26] *M. C. Anderson vs. James W. Rawlings,* Ohio Circuit Court Decisions, X, 112-113.

[27] *Keller vs. Koerber et al,* Ohio State Reports, LXI, 388-389.

[28] I was unable to learn the final result.

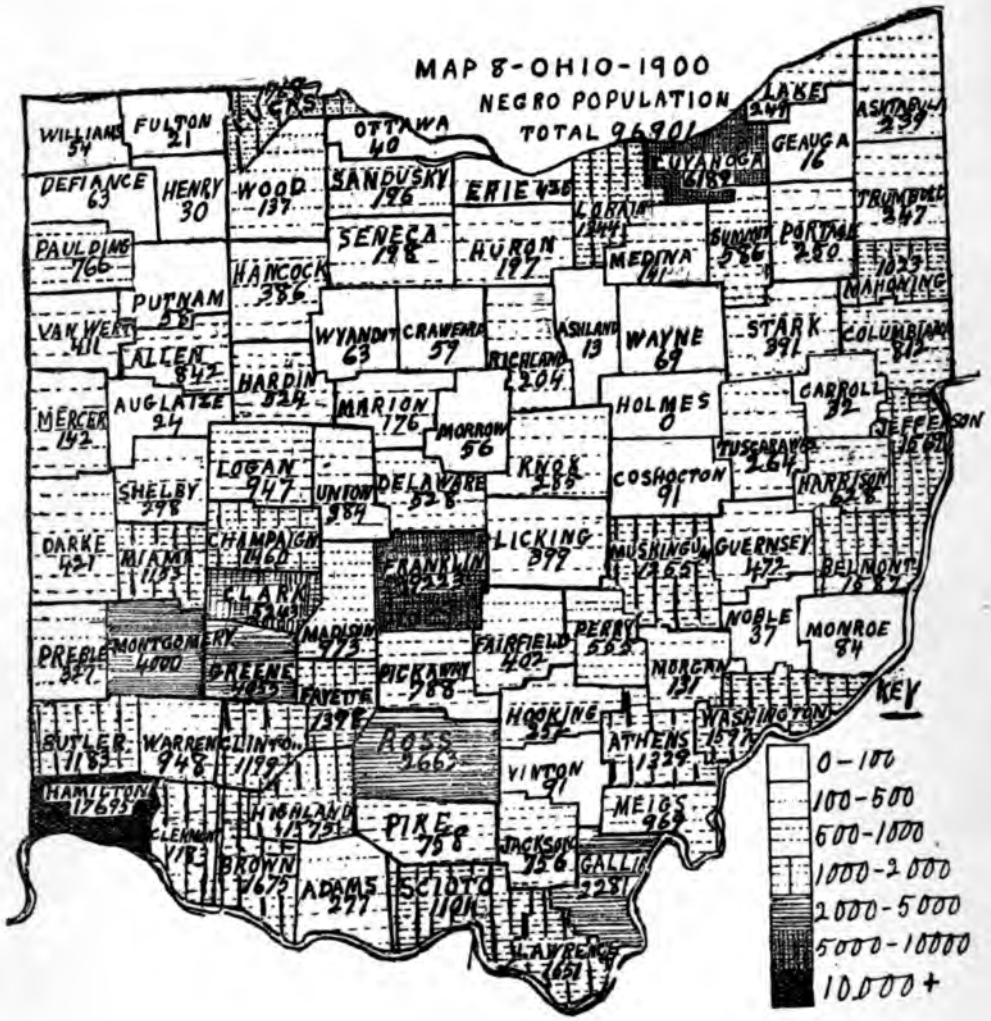
Lewis E. Johnson vs. Humphrey Pop Corn Co., Ohio Circuits, XXIV, 135-136.

refused his dinner, in order that his father might have a chance to give the law of 1884 one more test before the courts. He was refused, and the father brought suit. In the local court he was given $50.00 damages. The restaurant owner carried the the case to the Supreme Court, which reversed the verdict of the lower court on the ground that there had not been sufficient harm done to warrant the action.[29]

When we look back over these court decisions and see the failures of the colored people to get damages, as provided in the equal rights law of the State, see the amount of litigation necessary, and consider how unable the negroes generally are to bear the expense of going to law, there can be but one conclusion arrived at; and that is that equal rights in Ohio for blacks and the whites is a myth.

If we now look back over a period of more than a century covered by this book we must see that there has ever been the strongest antipathy manifested toward the colored people by the white people of the State of Ohio. One must also see that this feeling is not growing less as the years go by. My own belief is that it is increasing steadily, especially during the last twenty years. This conclusion is based upon the facts herein stated, together with the study of present day conditions as set forth in Part II.

[29] The facts of this case I learned personally from the restaurant owner and from the lips of many blacks and whites in the town.


MAP 8-OHIO-1900
NEGRO POPULATION
TOTAL 96901
WILLIAMS 54
FULTON 21
OTTAWA 40
DEFIANCE 63
HENRY 30
WOOD 137
SANDUSKY 196
ERIE 436
LORAIN 1244
CUYAHOGA 6189
LAKE 249
GEAUGA 16
ASHTABULA 239
TRUMBULL 247
PAULDING 766
SENECA 198
HURON 197
MEDINA 141
SUMMIT 586
PORTAGE 250
HANCOCK 386
PUTNAM 58
MAHONING 1023
VAN WERT 411
ALLEN 842
WYANDOT 63
CRAWFORD 57
RICHLAND 204
ASHLAND 13
WAYNE 69
STARK 391
COLUMBIANA 812
HARDIN 524
MERCER 142
AUGLAIZE 24
MARION 176
MORROW 56
HOLMES 0
CARROLL 32
JEFFERSON 1569
LOGAN 947
UNION 384
DELAWARE 528
KNOX 285
COSHOCTON 91
TUSCARAWAS 264
HARRISON 628
SHELBY 298
DARKE 421
MIAMI 1153
CHAMPAIGN 1460
FRANKLIN 9223
LICKING 399
MUSKINGUM 1265
GUERNSEY 472
BELMONT 1587
CLARK 5243
PREBLE 327
MONTGOMERY 4000
MADISON 973
FAIRFIELD 402
PERRY 565
NOBLE 37
MONROE 84
GREENE 4933
PICKAWAY 788
MORGAN 131
FAYETTE 1398
HOCKING 257
WASHINGTON 1597
BUTLER 1183
WARREN 948
CLINTON 1199
ROSS 2663
ATHENS 1329
VINTON 91
HAMILTON 17695
HIGHLAND 1575
PIKE 758
MEIGS 969
CLERMONT 1183
BROWN 1675
ADAMS 277
SCIOTO 1104
JACKSON 756
GALLIA 2281
LAWRENCE 1651
KEY
0-100
100-500
500-1000
1000-2000
2000-5000
5000-10000
10000+

PART II.

PRESENT-DAY CONDITIONS

Chapter I—Cincinnati.

The cities and towns of Ohio are in no essential regard different in their social and industrial constitution from corresponding types of communities of other great States in the North. The adjustment of the white and negro elements in the population varies from place to place, but the chief factor determining the variance is not latitude or longitude but the proportion of negroes in the population. The word negro is here used synonymously with "colored person," as is customary in American speech, to designate blacks, mulattoes, quadroons, octoroons—all persons in short who have an appreciable trace of negro blood in their ancestry. The investigation of which the following description is the result was made in the summers of 1908 and 1909. My method was in visiting each community described to interview scores or hundreds of persons of both races and of all walks of life. On arriving at each place I looked up and talked with first of all the colored physicians, lawyers, preachers and any other leading colored citizens who could be found. They were generally disposed to discuss affairs quite freely. I then talked with negro laborers not neglecting the negro idlers; and then interrogated white people of all classes regarding their observations and opinions of the negroes. The result shows that in Ohio the racial adjustments are no more determined by law than they are in typical Southern States. Many statutes in the law books are dead letters in practice. The adjustments are the product of social custom, largely regardless of the law. The negroes are permitted to vote it is true; but other legal provisions intended to establish racial equality are either observed or ignored according as the white element in the several communities may determine.

In Cincinnati no colored man can attend the

Ohio Medical College, which is a branch of the University of Cincinnati, an institution supported by public taxation, nor can he enter the Eclectic Medical School. He can procure medical education at no institution in the city. This is not according to law but according to public will. The officers of the several institutions may be perfectly willing to admit negroes, but the general opposition of the student bodies and some members of the faculties operates to their effectual exclusion. If a negro physician who has secured training elsewhere establishes himself for practice in Cincinnati, no matter what his efficiency may be, he is not allowed to operate in the large City Hospital, a public institution. He is debarred from the Seton Hospital, on West Sixth street, and, in fact, from all hospitals save two small charity institutions. Colored people, received with reluctance into segregated wards in the City Hospital, are refused the privilege of having a physician of their own race attend them."[4]

Recently there came up the question of having colored men in the Health Department. The Board of Public Service, which, of course, is made up of white men, decided that it would be unwise, because the colored sanitary officers would be compelled to call at the houses of white men during the latter's absence, and their wives would be made subject to insult in having to accept orders from colored men.

There are no negroes to be found in the city fire department, which employs hundreds of men, all of course, paid from public taxation. The reason given for their absence is that white firemen will not work with them, as they would be compelled under the present plan of conducting the department to eat and sleep alongside of them.

The officers controlling the Municipal Bath House now forbid all colored people to bathe there.

[4] The information in this paragraph was obtained from three seemingly well-informed colored physicians.

The privilege was granted for a short time recently, under Democratic administration, but the house so quickly became practically a colored institution that the reform party had to withdraw the privilege.

All the popular parks, such as Chester, The Lagoon and Coney Island, exclude the negroes. Some of them have one "nigger day" each year, when the colored people are allowed to pass the gates which are forbidden them the rest of the year. Some negroes are employed as waiters and porters at Coney Island, a leading park, six miles up the Ohio river. These are compelled to ride on the *deck* of the steamboat going and coming.

Hotels, restaurants, eating and drinking places, almost universally are closed to all people in whom any negro strain can be detected. A colored man of education, and of great prominence among his people, told me that his wife was white enough to run the gauntlet, but that he was not, and that often when they happened to be down in the city at the noon hour he would send her into a white restaurant for her dinner, while he would stand on the curb and wait for her, or perhaps go to some cheap place for a "hand out," which he generally had to take outside before eating. The same man told me that if he wanted a glass of beer he had to go to some out-of-the-way place or low "dive" for it. The Bartenders' Union has passed a resolution forbidding its members to wait on colored persons, and they obey the prohibition. On Fifth street, between Central avenue and Broadway, a distance of a dozen blocks, a colored man cannot enter a single saloon to buy a drink or a ham sandwich. W. P. Dabney, a colored man of education and of recognized ability in music and other arts, theAssistant Paymaster of Cincinnati, handling tens of thousands of dollars annually, and paying it out to the Mayor, Chief of Police, and all other city employees, personally told me of the following experience: He and an-

other prominent musician had, at much pains and with some financial risk, secured a famous pupil of Rubenstein, an Italian, to give a concert in Cincinnati. After the concert was over the performer asked the committee to go to a saloon and have a drink with him. They all entered the saloon, the party consisting of the Italian musician, another foreigner, and the colored man, Mr. Dabney. The conversation at the moment happened to be about America, and the Italian was congratulating his companions upon their privilege of living in this land of the free. They sat down at a table and called for something to drink. The bartender could see but two at the table, and those the foreigners. The one real American, though he was the trusted employee of a great city, was beneath the notice of the bartender.

At the Sinton Hotel, where Mr. Taft made his campaign headquarters in 1908, the colored man is not welcome even in the lobby. No matter how prominent he is, if he desires to see a white man on one of the upper floors, he must take the freight elevator, the "Jim Crow" compartment.

The Pullman company refuses to sell berths to colored people going South. Under stress, they will offer to put them in the drawing room, which costs more than they can afford to pay, but which segregates them from the whites. Trains leaving Cincinnati for the South have their "Jim Crow" coaches, into which the colored people are asked to go. If they do not go willingly they are compelled to do so on reaching the Kentucky side of the Ohio river.

The Y. M. C. A. refuses them either active or associate membership. Recently some young colored men established a Y. M. C. A. on Walnut Hills, a prominent suburb of the city. The white Y. M. C. A. rose in wrath at this defilement of their name, and caused the colored organization to change its name to the Y. B. (oys) C. A.

The Ohio Mechanics' Institute, probably the largest school of its kind in Ohio, has recently decided to deny admission to negroes.

In the Children's Home, on Ninth street, another large public institution, colored children are permitted to stay but twenty-four hours, after which they are sent to the Colored Orphans' Asylum. The Automobile Club of America some time ago decided to give orphans resident in cities where there are branches of the association, a free trip to the country annually. The Cincinnati branch the first year forgot, as they said, the colored children. The next year, after a very heated public discussion of the matter, it was decided that there were not enough colored chauffeurs, so they could not take them.

Theatres universally exclude the negroes or at the best give them gallery seats, and these sometimes at advanced prices. The large city work-house, the reformatories, city and county prisons, and hospitals, separate white and black as much as they possibly can.

Negroes can neither rent nor buy houses in respectable sections of the city without paying exhorbitant prices. If a negro does succeed in buying a desirable piece of property, his white neighbors will endeavor by all possible means to get him out of it. Sometimes they even threaten his life, but more often they buy him out, generally paying him considerably more than the property cost him. This is expensive for the white men. Many negroes are taking advantage of this pride to better their financial condition, and many more would follow the plan if they had the capital. The following extract from a conversation with a colored preacher in one of the suburbs of Cincinnati will illustrate the negro's attitude and the methods: 'If I had a little money saved I would make the white folks pay for their prejudice. I would have some 'poor white trash' buy a lot in a fashionable neighborhood for me, and then I would declare my

ownership and intention to build. Immediately I would get many offers to buy, and when I could sell at a good profit I would let it go, and then I would buy another piece and so continue. I could make a fine living in that way, far better than I can in the ministry, but I haven't the money to start with.'

In St. James place, a fashionable residence district of Cincinnati, there lives a colored man of much prominence, being connected with a well known publishing house. The white neighbors have offered him large inducements to sell, but he, not being of the type represented above by the colored preacher, has refused all overtures and insists upon his rights.

The colored man in earning his living is hampered on every side by race prejudice. The labor unions as a whole do not want him and will not have him, and their members will not work by his side. The result of this is that he is practically debarred from all mechanical pursuits requiring skill. He can join the hod carriers' union, and this is due to the fact that not enough white men can be found to do the work. The bricklayers' union, the painters', the carpenters' the lathers', the plumbers', the barbers', the bartenders', the printers' unions, and many others refuse admission to negroes. The white man cannot employ them in any skilled work, if he has so large an undertaking that he has to employ white men with them. The white men will not work with negroes, so if there are not enough colored people trained to do the work, the result is that no matter how free the white employer himself is from prejudice, his hands are tied; he must of necessity, generally speaking, refuse to employ the colored man in any skilled capacity. Many colored men who had come from the South told me that there was no such condition in the South; that if a colored man became capable of laying brick or doing carpentry work or any other skilled work, he

was as freely employed in it by whites as the white laborers themselves were.

Besides their being debarred from skilled labor, negroes are not employed as stenographers, bookkeepers or offce men in any capacity except that of janitor. Not one is employed as teacher in the public schools, none are employed as clerks in stores or factories.

The post office work is open to negroes because of its being under civil service rules, and they have shown the ability to get a foothold there. In the Cincinnati Post Office twelve are employed as clerks and twenty-eight as carriers, making a total of forty out of a grand total of seven hundred employees, or about 5 per cent, which is the per cent of colored people in the city to the total population. In the police department there are twelve colored patrolmen out of a total of six hundred and ten, which is one-half their quota according to population. They get these places as policemen solely as the price paid by the politicians for the colored vote.

The learned professions, the law, the ministry and medicine, are open to them, but the few who are brave enough to attempt these find that they can hardly make an honest living. The white people, of course, will not employ them, and, strange to say, their colored brothers are almost as much against them, but for different reasons, one of which is jealousy[5] and the other lack of confidence. They will not respect negro advice, but will take the white man's in preference, having learned during their days of slavery to look up to the white man.

What are the causes of this strong prejudice in the city of Cincinnati? In general they are the same as are found in other cities of the State, and they are as follows:

(1) Large numbers of ignorant colored people

[5] A very strong race trait, as many of them themselves told the writer during the investigation.

are coming in from the South, seeking the land of the free, where they can have 'their rights,' many of whom mistake liberty for license.

(2) When a negro commits a crime the newspapers always emphasize his race connection by such headlines as "A Big Black Burly Brute of a Negro" does such and such, and the whole race gets a share of the blame; while if the crime is committed by a white man, race is not mentioned, and the individual gets the blame.

(3) The mixing of the lower classes of the two races causes jealousy and ill feeling in these very classes, and much revulson of feeling and fear in the higher classes.

(4) Cincinnati has always catered to the Southern trade and still does; therefore she adopts much of the South's attitude toward the negroes.

(5) An unusually large part of Cincinnati's population has been in the South for a time and then returned to the North. It is almost the universal observation that such people, after their return, forever think less of the negro.

(6) The white people constantly complain of not being able to depend upon the negroes; they say that they are shiftless, careless, and too prone to appropriate little things belonging to other people.

(7) The negroes more and more are entering politics as negroes, and demanding rewards for the negroes, in the way of positions and public offices. In this they are meeting with strong opposition and much secret resentment.

(8) The fact that so many negroes appear in the police courts and prisons hurts their cause greatly. According to the report of the Chief of Police of Cincinnati for the year 1905, there were 12,138 white people arrested and 3,107 colored. According to the census of 1900 there were 325,000 people in the city and 14,482 were colored. By a little comparison of these

figures we see that in proportion to their respective populations there were five colored people arrested to one white. If the white people had committed as many criminal offenses as the colored, the police would have made the enormous number of 68,345 arrests that one year. In 1906 there were 11,284 arrests of white people and 2,658 of colored.[6] There were remaining in the House of Refuge, the city prison for young people, on December 31, 1907, 238 white children and 95 colored.[7] From the annual report of the Cincinnati workhouse for 1907 we learn that there were 2,414 white prisoners and 949 colored. About the same proportion has obtained for several years past. From a study of these figures one must conclude that in recent years, and in this one city, at least, the criminality of the negroes has been fully five times as great as that of the whites.

[6] Report of Chief of Police for 1906.
[7] Annual Report of House of Refuge for 1907.

CHAPTER II.

DAYTON.

Dayton is a city of approximately 100,000 people and lies about sixty miles north of Cincinnati. It contains in round numbers 5,000 colored people.

A colored man by the name of Thomas M. Jones told me of the following incident in which he had but lately figured: Seeing in the window of a well known clothing store, a pair of trousers that he wanted, he went in to buy them. The clerk first told him that he couldn't afford them, naming a high price. The colored man produced the money, and then the clerk said the trousers would not fit him. When the colored man said that he was willing to run the risk of their fitting, and that he would not ask even for the privilege of trying them on, the clerk directly told him that he could not sell him under any consideration, as it was an absolute rule of the house to sell nothing to negroes.

In all of my investigations of conditions throughout Ohio, I had found nothing quite so radical as this, so I determined to verify it beyond a doubt. I went to the store, and from one of the men connected with it got the following statements: "We do not sell to colored people at all and have not done so since we began business three years ago. We have freely advertised the fact and find it good business policy to do so. You know yourself that you wouldn't want to try on a suit after a dirty nigger had tried it on, any more than you would want to get into a barber's chair after a nigger had just been shaved in it. We haven't anything against the colored people and in fact employ one of them as janitor, but business is business."

This store, with this policy as one of its most advertised features, has prospered, until today it is about the leading clothing store of the city. And this

is not the only store that is concerned with the color of its customers. There is a ladies' cloak store that draws the line sharply at colored folk. A few years ago the city entertained, or rather the colored people held, a large convention, and there were hundreds of colored delegates present from many States. One of these, a woman, tried to buy a cloak in the above mentioned establishment and was refused. She wrote a long letter inprotest, which was published in *The Dayton Journal.* It received scant notice, except from the colored people themselves.

As another instance of what is constantly occurring, a colored man went into a drug-store to buy a drink at the soda fountain and was told that he would be served only on condition that he would go out on the side-walk to drink it. The narrator of this incident remarked that this was his introduction to the "equal rights" of the North.. The event occurred soon after his arrival from the South, where he had heard much sentiment about the land "where the nigga is sure enough a man." After his introduction to the realities of the way the Ohio white man feels towards his dark-skinned brother, he gets acquainted rapidly. A white man had bought a bottle of beer at a saloon and later sent the bottle back by this colored man for redemption. The saloon-keeper refused to receive it from his hands. At another time in the same saloon he tried to buy a loaf of bread, but was refused. He went into another saloon and asked for a glass of beer; no one heard him; he asked again; every one in the place looked at him, but said nothing. Finally he had to get up and walk out, "feeling like a whipped dog," as he expressed it. At another time he went to a soda-fountain and asked for a drink. They "did not have any" was the answer, although a white man was sitting at the counter drinking. Again he and another colored man went into a small restaurant on the west side of Dayton and ordered a

lunch, including berry pie. The woman who owned the place got the lunch and started to do it up in paper—the dripping pie and all. They told her that they wanted to eat it there. The woman resentfully told them she did not serve colored people in her restaurant. They then got up and started out without the lunch. The woman called her husband and both tried to compel the negroes to pay for the lunch, on the plea that they had ordered it and knew that they could not expect to eat it in a white restaurant.

Events similar to the above are commonplace in the lives of negroes of Dayton and are the portion of all classes of them. The colored man who went through these particular experiences was a hardworking man, who wanted to do right and to be well thought of, as his employer informed me; yet, as he said, if he wanted anything to eat or drink, he had to go to some low-down place for it, or go without it.

Hotels, restaurants, soda-fountain establishments, saloons and all places of this nature are closed to the negro, in spite of the fact that the State law forbids this distinction. The woman managing the dining-room in the Johnston department store, for example, told me that she had had but one colored woman come in to be served. Immediately upon her entrance, there was an uproar among the white waitresses and the customers. The manager stepped up and told her that she could not serve her. The woman thereupon left and no more was ever heard from her.

In all kinds of stores of the better grade negroes are treated in such a way as plainly to show them that their custom is not wanted. Even when a negro goes to market to buy, he does not get his turn, but has to wait till all white customers are waited on. When he goes to the theater, he can as in Cincinnati buy a seat only in certain sections of the house, generally in the gallery, or "nigger heaven," as it is sometimes

called. When he happens to go into one of the white churches his treatment is against all teachings of the Christian religion.

It is almost impossible for him to rent or to buy a house in a desirable section of the city. He must go to the west side where the negroes are colonized. Recently a colored man succeeded in buying a home in one of the white wards. He woke up a few mornings later to find a note on his door, warning him to leave within five days. He appealed to the authorities for protection and, as he was a colored man of unusual character, the protection was granted, and he held his home.

Let us now look at the "bread and butter" problems of the colored man's life in this city of Dayton, with its 5,000 negro population. The labor unions do not admit him to membership, except in very rare instances, and this fact cuts him off from engaging in the more profitable occupations. In 1886 the bricklayers' union in Dayton struck, demanding higher wages. There were many colored brick-layers in the city at that time, and the union, fearing that they would step into the breach and do the work, invited them to join. They accepted the invitation, and the strike was won in consequence. But when the employers called the union back to work, they would not employ the colored members, on the ground that they had deserted the employers in the strike. The colored people asked the union to stand back of them in demanding work. This the union refused to do, saying that they could not afford another strike. The colored men were thus forced out of the union.

At the National Cash Register Company's plant, about the year 1896, two negroes were taken into the truckers' union. Soon afterward they were discharged by the company for no good reason, but the union did not stand out for their reinstatement, as they would have done had they been white men. As a result of

these two incidents, the negroes and the labor unions have parted company, and the colored men are cut out of all skilled trades. In the factories, they get nothing to do, except the most menial work and the janitorships. Even the janitor's jobs were taken away from 300 of them recently by the National Cash Rigister Company. Various reasons were given for the wholesale discharge. The main reason advanced by the company was that they desired to have American farm boys start in at the bottom and work up. Negroes could not do this, because the white employees would not work beside them in any higher capacity than janitor. As the negroes themselves saw it, the white people, from the president on down to the lowest employee, did not want to have them near, even in the capacity of janitor, and hence they were discharged.

No colored person is employed to teach in the public schools. There is one colored policeman, and by accident one colored man got into the fire department recently. The Democratic mayor having died, a Republican, who was president of the city council, became the acting mayor. As a solace to the long-suffering negroes who had voted the Republican ticket so long without any spoils, he put one of their number into the fire department. Immediately there was rebellion, as no fireman would work beside him. The matter was finally settled by making the negro the driver of the chief's buggy.

As colored men almost never appear as clerks or stenographers, and as they are excluded by the labor unions from building trades, it is plain that they must get their living from doing odd jobs, from performing work that their white brothers feel themselves above, or they must get it from that one other source—stealing. What little work they do get, they must do at less pay than that given white men for the same work; and yet when they go to buy things at the white men's

grocery, they have to pay as much as, and in not a few cases more than, the white laborers.

One conclusion must be drawn from all this information, and that is that the negroes in this city are surrounded by strong prejudice. I talked with many old negroes who had been in the town since the Civil War, and it was the universal opinion of these men that the prejudice has been growing stronger every year. For a few years after the war, they could go into a hotel or into any public place and buy what they had the money to pay for; but for a long time now that has been denied them. During the last five to ten years, the growth of the feeling against them has been amazing, as the white people themselves admit.

The opinion of the negroes as to the cause for this increase of prejudice, was one that I had not heard in any other city, and yet in this city, it was proclaimed by practically all the colored people, especially by the older generation. It was this: The "old-line white families," meaning the cultured families of long standing, were rapidly dying out, and in their place were rising the newly-rich and uncultured families who were ready to take advantage of all artificial props to uphold their importance. To the negroes they could show no mercy.

As the white people of Dayton viewed the matter, the cause of the prejudice was very different. They said that the old-fashioned negroes who "knew their place" were all gone and that the new generation was impudent and vicious. Especially was this true of the negroes just arrived from the South. The white people claimed that instead of an improvement being noticeable in the negro he was actually getting worse in every way.

From these two explanations of the cause of race prejudice in this city, it can be easily seen how wide apart the viewpoints of the two races are.

This description of Dayton may well close by giving

the comments of two aged colored men on the question of the improvement of the colored race. One of these men had worked for Jefferson Davis in Richmond during the war. When I told him that the white people of Dayton thought his race had not improved since the war, he answered with this homely illustration: "Then it is the white people's fault. The negro is like an oyster: if you keep knocking it or showing bad feeling toward it, it will remain closed, but throw some salt and corn meal to it and leave it alone and then it will come out."

The other colored man who expressed himself on the question of race progress was the janitor of the Dayton postoffice. He said, "The white people fail to remember that the negro is laboring under an obstacle that the white race never had to encounter. He is surrounded on all sides by a race much more numerous, by a race which has the wealth of the land in its grasp, but ten times worst of all, by a race that in its actions every day proclaims to him that it regards him as one white man expressed it: 'This is the way I class the nigger among the races—(1) the white man, (2) the Mongolian, (3) the Japanese, (4) the Chinaman, (5) the dog, and (6) and last, the nigger.'"

CHAPTER III.

SPRINGFIELD.

Springfield is a city of 40,000 people, located about twenty miles from Dayton. Its treatment of the negroes is practically the same even in details as that in Dayton; the only difference, if any, being that the feeling is more intense against them in Springfield. Here they are denied entertainment in the hotels, forbidden to eat in the white man's restaurant, refused service at the white man's soda fountain and saloon, barred from the amusement houses.

The negroes' manner of making a living is the same as that found in Dayton. It is a bare bread and butter existence obtained from odd jobs and hard, disagreeable labor. Here again they are denied admission to the carpenters' union, the cigar makers' union, the printers' union, the molders' union, and in fact, all unions except the bricklayers'. This last named union admits a few of them. The secretary of the association of labor unions of this city told me that the prejudice against them in the unions was due to natural repugnance, and also to the fact that they had engaged as strike-breakers. He also informed me that there was no law in any labor union constitution against their admission, but that it was left to the local organization to admit whom it pleased.

Springfield has the reputation of cherishing the most bitter hate of the negro which is to be found among the cities of the North. This reputation is due to two race riots (1904 and 1906).[1] In the first of these riots a negro was hanged upon a telephone pole and shot to pieces, after which the negro section of the city was set on fire. In the second riot, the lives of the two negro criminals wanted by the mob were saved by

[1] Described in a preceding chapter.

their being hurried out of the city by the police. The mob then turned its hatred against the negro section of the city, and for the second time reduced a part of it to ashes. The causes, and especially the results, of these riots constitute the main item of interest that Springfield offers in this study of race prejudice in Ohio.

One of the main causes given by the white people of the city was the impudence and insolence of the negroes for some time before the riots. This was manifested in such ways as bumping against white people on the streets and crowding in on them in street-cars. Another cause of the ill-feeling against them, and, at the same time, a cause of their insolence, lay in the fact that the colored voters held the balance of power in city politics, which caused the police judge to favor them in all possible ways. The number of insolent negroes had been increased very much a few years before by immigration from North and South Carolina. These negroes are coming into all parts of Ohio in large numbers, and their coming is welcome neither to the whites nor to the old negroes who have lived long enough in the State to learn "their place." These native negroes know full well that, as things stand, the whole race must suffer for the wrongs of the few, that the white man as a rule sees no difference between the worst negro and all negroes. When one of these South Carolina negroes killed a white man, the whites were not satisfied with his individual punishment, but the whole negro population had to be burnt out of house and home. So Springfield suffered a riot requiring the presence of State troops for several days.

Now, what are the present-day conditions in this city, what are the results of these riots upon the feelings of the people? The one answer that I got to this question from all classes of people was that the feeling was like a smouldering volcano, ready to explode at the least shock. They did not know whether it was grow-

ing or not; they rather thought it had reached its full height. Ever since the last riot in 1906, it has seemed but an armed truce between the two races, and this is more literally true than most people will want to believe.

In the summer of 1907, it almost broke out again. One negro shot another one and started to run through one of the business streets. Someone cried out that he had shot a white woman, and immediately the whites gave chase. They caught him, and were beating him to death when the police rescued him, telling the mob that he had only shot another negro. Thus close did Springfield come to her third race riot in three years' time, and each day now she lives in dread of what may happen within the space of twenty-four hours.

I said above that there was practically an armed truce between the two races. From absolutely reliable sources, from the editor of one of Springfield's largest daily papers, from negroes themselves, I have information that a secret organization was formed among the colored people soon after the riot of 1906, and the objects of the members of this organization were to procure firearms, to drill themselves in the use of them and to prepare themselves in every possible way for self defense in the next riot. Bombs were secured, and many colored homes were converted into small arsenals. Colored men and colored women have gone on the outskirts of the city and practiced shooting. These facts have not been published in the city papers. The editor told me that these items have been suppressed by all the papers in the city, as they would only incite both factions on to conflict.

Let me give the words of a hot-blooded white express agent and a hot-blooded negro that I found fishing by the river-side, both of whom talked as if they were waiting and almost anxious for the fray. The white man said, "The race feeling now? Just like a

volcano ready to break out and, when it does, look out for something awful. There will be a big row of dead niggers and probably whites too. Everyone in town, white and black, has at least one gun."

The following were the words of the colored man: "The feeling is much worse here since the riots. The colored people's houses are small arsenals, and every man has at least one good gun. They have been practicing shooting too, and even the colored women can shoot well. If another riot starts, there will be such trouble as will make this old town shake."

CHAPTER IV.

COLUMBUS.

Columbus, the capital of Ohio, has a feeling toward the negroes all its own. In all my travels in the State, I found nothing just like it. It is not so much a rabid feeling of prejudice against the negroes simply because their skin is black as it is a bitter hatred for them because they are what they are in character and habits. The negroes are almost completely outside the pale of the white people's sympathy in this city, but the latter justify themselves, and in fact many of the better class of negroes agree with them, on the ground that so many of the negroes are proving themselves by their attitude and conduct unworthy of the respect of decent people. This condition of affairs has been growing by leaps and bounds during the last five or ten years. Most of the colored people say that it is since the coming of a large number of disreputable Southern negroes that affairs have grown worse. The white people seem to think that the late comers are prone to assert "their rights" a little too freely. Whatever the cause may be, this much is evident,—the feeling against the negroes is bitter in the extreme.

Let me quote from the assistant adjutant-general of Ohio: "The anti-negro feeling here in Columbus is at white heat. We are expecting an outbreak any day and are getting everything in readiness for it, so far as the military is concerned. Probably you noticed that a new Gatling gun has been placed in the rotunda of the capitol building."

How does this anti-negro feeling assert itself? In much the same manner as has been described already in speaking of Cincinnati, Dayton, and Springfield. However, there are a few especially interesting conditions that I must present. I have already shown that hotels almost without exception refuse to enter-

tain colored people, and the Columbus hotels are no exception. The leading hotel of the city, The Chittenden, comes as near to being an exception, as the following words from its manager will indicate: "No; we do not entertain negroes. Our white guests would not permit it for a moment. There have been a few instances in which white guests, especially from the South, have brought their colored nurses with them. These colored women we have put in a back room and we have served their meals to them there. We charged the white guests heavily for them, as after their departure we always thoroughly renovated the rooms, taking up carpets, washing all the bed-clothes, airing and often destroying the mattresses."

The assistant manager of the Great Southern Hotel told me that they did practically the same as in the case of the Chittenden. The "Busy Bee" restaurants, of which there are several in the city, owned by one man, will serve negroes under protest at a back table and at raised prices. No more easy is it for the negroes to get a drink than it is to get food. None of the first-class soda-fountains will serve them, and in saloons, if they insist on service, it is given them at double price, after which the glass contaminated by their touch is sometimes broken in pieces at their feet. Recently a bartender, caught by his proprietor serving a drink to his colored barber, was told that a repetition of the offense would cost him his position.

To show that all classes of whites are banded together against the negroes, it will suffice to say that the Young Women's Christian Association does not admit colored women to any of its advantages, nor does the Young Ladies' Educational and Industrial Institute, a philanthropic organization located on Fourth street.

From this account, it is hard to imagine the negroes in a worse condition socially, but they are no better off industrially. The whites employ the ne-

groes only when they have to do it, when they themselves will suffer if they do not do it. To show that I am generalizing only from specific facts, I shall state a few conditions that exist in Columbus today.

The street railway company, employing hundreds of men and taking in thousands of dollars every year from negroes in the way of fares, employs not one negro, even as janitor or ditch digger. Not a factory of any consequence in the city employs a negro in any skilled work. This work of course goes to the unions, and we have already seen how the unions in Ohio have no use for the colored men. In Columbus negroes may be found in a union now and then, but they themselves say that in such cases the whites took them in only that they might the more effectually defeat their efforts. Some few of the negroes have refused invitations to join. Such was the case of a colored musical organization a few years ago. This organization was giving exceptional music, and was receiving many calls for service. The white musicians' union asked the colored musicians to join them, after first trying in every other way to kill their organization. The invitation was not accepted.

Five years ago a colored man came to Columbus from Virginia. He was a member of the National Bricklayers' Union, and had his card stating that he was in good standing. The local union paid his wages for five weeks and let him walk about the streets in idleness, rather than have him work by their side. Recently a white man employed upon a new building both white and colored bricklayers of the same union. First one white man and then another pretended sickness and quit work, leaving finally but the few colored men working. The builder then had to discharge the negroes before he could hire enough white men to complete the work.

What then is left to the colored man in the way of employment? He can labor at unskilled work in

the steel plants and foundries. He can work in fertilizer factories with their loathsome odor. He can clean sewers and work on the streets. The "profession" of janitor is still his, but the one other "profession" of the colored race, that of waiter, is gradually slipping from his grasp. The "Busy Bee" restaurants have displaced the negroes with white girls, much to the satisfaction of the customers, so the manager informed me. The Neil House manager told me that he would be only too glad to displace his fifty colored waiters with white ones if he could get them. Other managers expressed themselves against the negro waiter.

The popularity of the colored barber is also on the wane, according to the report of several negroes, for a long time engaged in this work. One of them told me of the following incident that occurred in his shop just a few days before his talk with me. A white man came and pulled his coat off, ready to have some work done, when, looking around, he noticed that all the barbers were colored. A look of surprise and disappointment came over his face. He put his coat on again and walked out without saying a word.

The industrial position of the negroes in this city could hardly be worse. They get but little work to do, and then often they have to accept lower wages than white men would receive for the same work. Moreover, they are without incentive to strong effort, since they know that they cannot rise by meritorious work. As one of them said to me, "Here's the situation. You and I could go to some big establishment and get jobs scrubbing floors. You would be able to advance toward the presidency of the institution as fast as you showed yourself deserving in the eyes of your employer. I could go on working at my job, and twenty-five years later, you would find me still a janitor. Both of us realizing this situation when we began our

work, which one would naturally show the more ambition and render the better service?"

What becomes of the little money that the negroes do manage to get into their hands? I have already stated that they have to pay as much as, or more than, the white men for their groceries. Scarcely any of them own their own homes. They cannot buy or rent in any good portion of the city. They are crowded off by themselves in miserable tenements owned by white men and built with total disregard for sanitary conditions, but let at high rentals.

So far I have given the side of the case that engages sympathy for the negro. Now let us view the case from the white man's point of view, showing the causes of his attitude toward, and treatment of, the negroes.

I have just before stated that it is not a blind prejudice that seems to actuate the white people of Columbus in their treatment of the negroes, but a bitter hatred of the negroes because of their character and habits. They say that the negroes are not only shiftless and careless about their persons, but that they cannot be trusted; and, furthermore, that they are constantly doing things to antagonize and affront the white people. These accusations, if true, are serious. Let us examine them at some length. The manager of the large Chittenden Hotel, employing almost a hundred negroes, says that they are altogether shiftless. The colored waiters of their own accord will not keep their napkins clean nor even their own persons. They require constant watching. The manager of the Neil House, another large hotel employing fifty negroes, had exactly the same complaint against them. The "Busy Bee" restaurants, employing almost two hundred people, have lately dispensed with all colored help chiefly on this ground.

The Columbus Street Railway Company employed hundreds of them up to a few years ago. They

were unreliable, would work one day, get intoxicated the next, and then come back to work for a day or so again. The company in disgust finally said that they would not employ another negro, and they have stood by their decision to this day. A man with some colored blood in his veins runs a large grocery store on High street and employs more than a dozen clerks. Until a few years ago he employed colored clerks. He discharged them, he told me, because he could not depend on them, and since that time has employed white clerks.

A colored photographer, a man far above the average of his race, said that there was no question but that the ordinary negroes in Columbus merit the ill opinion of all decent people for the manner in which they live. They are generally to be found living in miserable hovels, or in big "rat-and-fire-trap tenements," where every Sunday, especially, they get intoxicated, hold dog, cat, and chicken fights, play the banjo, dance cake-walks, and in other ways make the day hideous for their neighbors. They live like hogs, and are often called "the one-day livers." Their ambition is to make enough money to get intoxicated Saturday night and to feast and carouse all day Sunday. My informant said that, while this is true for the average negroes of the city, it applies especially to the new negroes that have lately come up from the South. A dozen colored women of the better class went to these negroes a short time ago and tried to do a little missionary work among them. They were received with insults on all sides, and were called "the white folks' niggers." A pastor of the leading colored church of the city and one of the best known colored preachers of Ohio, confirmed the above statements, and told me in addition that matters were even worse; that these negroes were going about the streets dirty and half-clothed, with but an undergarment for a shirt, and that often open in front. They were used to doing this

in the South, and they never thought of being tidy, and did not realize that they were making themselves and their race offensive to the white people. He said that he, and other ministers, had of late appealed to them to better these conditions.

Closely associated with the idea that they are shiftless is the idea that they are too prone to steal. Even the negroes themselves at times acknowledged this weakness. A colored janitor declared as the main reason why his people did not more often patronize their own colored lawyers, that they could not trust them. The managers of the large hotels, where they are employed, say that almost without exception the negroes will steal, whenever they get the chance, and that they are very cunning in the way they do it. Some of the hotels have a regular system of espionage, and every negro as he leaves between watches is examined to see that he has no packages about him. The manager of the Neil House told me of the following incident that recently occurred. He had a negro employed to polish the brass fixtures in the bar-room. He was an adept at it, and the manager praised him. Soon he got to coming early in the morning before the bartender was up, giving as his excuse that he could work so much better before people got around. Soon news came to the manager that this colored man was giving fancy wine suppers. He started an investigation, which revealed that for some time the negro had been carrying away the best of his wines in a specially constructed bottle made very flat in order to lie close to his person, and thus be unnoticed by the watcher at the door. This incident, the manager told me, was but one of many.

In the winter of 1908-'09, there were seventeen purses snatched from white ladies, and every one of them by colored men. There were also many daylight robberies committed by negroes. A man of importance in the public schools of the city told me that it was

the most natural thing in the world for them to steal, and that they did not seem to realize that they were doing wrong. His explanation for this condition is interesting. He said it was bred in their bones. In slavery days, if they were well treated, they could go to the chicken-roost and get chickens for their cabin dinners without a word being said against it; while, if they had a bad master, they felt compelled to steal in order to live. In neither case then did they consider it a crime to steal, and today as a result, they consider it no crime to steal, either from their friend or from their enemy.

One other great complaint made by the white people against the negroes, aside from their shiftlessness and stealing, was that they had a strong desire to antagonize the whites in all possible ways, especially in public places. Their actions on street cars were condemned by all whites, and by the better class of blacks. When a negro boards the street-car he proceeds to get a seat whether there is one vacant or not. The following incident told by the colored photographer already referred to will illustrate this matter quite fully. He was on a street-car one evening when a negro, fresh from his work in the steel mill, with his filthy working clothes on, boarded the car and, although there was no room, crowded into a seat by the side of a white woman, elegantly dressed. When the colored photographer remonstrated with him for his action, he turned and said, "I'm no d—d white man's nigger like you. I have a right here, and I am going to take it." The conductor came along and put him off the car, the colored photographer giving the conductor his name as a witness if needed.

The janitor of the Chamber of Commerce building, himself a negro, recently got off a street-car in very shame of his race, because a crowd of North Carolina negroes were acting in such a disgraceful man-

ner. He said that he had to wait almost a half-hour for another car, but he was willing to do it, rather than be classed with such people.

While the white people of Columbus are inclined to blame the whole race for such actions, I know from my conversation with the better-class negroes that they are far from sympathizing with such conduct. Many of them desire pleasant relations with the white people, and are against doing anything to antagonize them.

The following will illustrate the views of the better class of negroes in this matter of antagonizing the white people. The colored groceryman, of whom I have previously spoken, has always employed a white girl as book-keeper. He lives in the same section of the city that she lives in, and they have to ride to and from home on the same street-car line. In all the years that he has employed her, he has never appeared on the street by her side, nor has he recognized her on the street-car. Living on the same street, they would normally get off at the same corner, but, whenever he happens to find her on the same street-car with himself, he manages to have business at the street just before or beyond where she gets off. His reason for acting in this way is that it would cause talk and injure both of them if they were seen together. He believes that the colored man ought to be careful to do nothing that antagonizes the white race, and, in his opinion, nothing is more repulsive to the white man, than the idea of amalgamation of the races. Many others of the better class of negroes expressed themselves to the same effect.

CHAPTER V.

CLEVELAND.

I have thought of heading this chapter "The negro's Paradise,"[1] owing to the fact that it pictures a condition in such contrast to the situation in Ohio at large. In Cleveland, the largest city of Ohio, according to the census of 1900, the negro has almost complete economic equality with the white man. By this I mean that he is permitted to earn his living by working in that calling for which he is equipped, and for which he has a liking, just as is the white man. As a result we find him doing well in many occupations.

A colored man by the name of George D. Jones has recently invented a trolley-wheel that is said to be one of the best on the market. He has patented it, interested a few of his colored friends in it and is now engaged in its manufacture on a considerable scale. Several white capitalists have tried to purchase an interest in the business and conduct it on a larger scale, but they have not been successful. The negro has faith in himself to carry on what he has so well begun.

A colored man is the manager of a large manufactory employing about one hundred *white* men and one hundred blacks. The Leonard Sofa Bed Company is a good-sized factory, owned exclusively by colored people, and colored people only are employed by it.

The superintendent of construction of the immense Hippodrome building in which the National Educational Association held its meetings in 1908 was a colored man, and one of unusual ability.

Cleveland has honored several colored men with high political offices. A few years ago she sent a colored man by the name of Green to the State Senate as her representative. Mr. Green now occupies a govern-

[1] This description was published in *The Independent*, New York, March 7, 1912.

ment position in the postal service, and he is a lawyer by profession. Two other colored men have been sent as Cleveland's representatives to the lower house of the State Legislature, and these were sent at the same time. One negro has been a city justice of the peace for many years.

Besides those engaged in manufacturing pursuits and political work, we find a good number in the professions, and many of these doing well. There are several lawyers, one of whom is an author of considerable note, having written several novels and some more serious works. He has a large practice, which is not confined by any means to his own race. He is honored and esteemed by many of the leading white men of the city.

There are some colored physicians. Their practice is confined almost exclusively to the colored population. There are some dentists whose practice is likewise limited. There are also several colored teachers, whose teaching is not restricted to the colored schools, for there has not been an exclusively colored school in Cleveland since it was founded. These colored teachers are engaged in instructing white and colored children alike in the regular public schools. One colored girl, a graduate of Smith College, teaches Latin and Algebra in the Central High School and is successful in her work. Eleven other colored girls, graduates mostly of Western Reserve University, located at Cleveland, teach in the grades. The Superintendent of Schools and others informed me that their work was wholly satisfactory, and that there had been scarcely a complaint from a white parent that his child was being taught by a colored person. The head of the large Hatch library for about fifteen years was a colored man.

The colored men are admitted to trades unions on the same basis as the white men, receive the same

wages and work on the same jobs with the white men without any friction.

As many white men and many colored men told the writer, the negro is given a clear field in which to work out his own welfare and, if he "makes good," he is respected for it by the white people. The colored men feel that they are fairly treated and have no complaint to make. Feeling also that it is "up to them to make good," they are steadied in life and get down to business more than they otherwise would. To illustrate how this feeling permeates the average man of the race in this city of Cleveland, consider the following fact: The proprietor of the barber shop in the leading hotel, the Hollenden, a colored man himself, and the leading colored henchman of the late Senator Marcus Hanna in the city of Cleveland stated to me that he employed fifteen colored men in his shop, each one of whom owned his own home and, besides, had a comfortable bank account.

The negro in this city of Cleveland is given the opportunity of making his living as he sees fit; he improves the opportunity and is happy. He does not complain because the white man does not treat him as his boon companion. There is no social equality between the two races, and at the same time there is no bittterness over it. Both races seem too wise to let that enter into the relations between them. They are two distinct races. Each race seems to say to the other: Here we are, thrown together upon this one spot of Mother Earth. Let us make the best of it. We all must fight the battle of life; we must work in order to live. You have as much right to live as we. You may work at what your hands find to do, and we will do the same. You enjoy the fruits of your labors as you see fit, we will do the same.

And working out this declaration of interdependence and independence, the people of Cleveland have come near to furnishing to the world at large an ideal

condition of affairs between the white and colored races. In making their living from the same piece of ground, they have found it profittable to combine. The two races in enjoying the fruits of their labors have seen fit to enjoy them separately. They do not seem to realize that there is any "negro problem," or anything of the kind. Everything is taken as a matter of course. On making specific enquiries as to what extent the two races mix socially, I found out the following things:

The negroes live to themselves on Central Avenue, Cedar Avenue and Done Street. According to the census of 1900, there were 6,000 of them. The two races prefer to live by themselves in their home life. As the negro population increases, and new land is needed to accommodate it, adjacent property is always ready for sale at a reasonable price.

Men of the two races may meet as friends on the streets or in a business way, but this relation is never extended to the home life. The white man will not think of such a thing as introducing a colored person to his wife nor will he have them meet on the same social plane. This is illustrated by the following case: There is a club of the leading literary men in the city, who have met for years. In this club there is an author of large gifts, but who happens to have almost an imperceptible amount of colored blood in his veins. Some time ago it was proposed that the club have a banquet, to which they would invite their wives. The idea was entered into with enthusiasm, until one of the members happened to think that it would be necessary to have the wife of the colored member present. The whole thing was then quietly dropped, the members of the club taking the following view of the matter, as expressed by one of them: "Although I am a Southerner, I am broad-minded enough to admire Mr. A. for his work. I like to talk with him and shake his hand, but for my wife to meet his wife in social

equality is a very different thing. She would not agree to it, and I could not blame her."

A few years ago some of the young negroes tried to attend the public dance along with the whites, but it was made so uncomfortable for them that they do not attempt it any more.

Ordinarily, the colored people of Cleveland are very thoughtful about intruding themselves upon the white people in any way that would be disagreeable for either race. This is shown in their attitude toward frequenting white people's eating places or restaurants. When I asked many of the white people about this, the usual reply was, "Well, since I come to think about it, I never see a colored man in any restaurant where I eat. I suppose they would feed him if he should come in, but as he knows that there is generally some feeling about that matter, I suppose he has the good sense to stay away or patronize his own restaurant." And that he does, for his own self-respect, and because he thinks it wise.

Each race shows regard for the rights and desires of the other, and the result is a most happy one for all concerned; and Cleveland stands out today in a class by itself so far as the cities of Ohio are concerned, and probably there are few like it in this regard throughout the country.

The question now naturally comes up, why is Cleveland's attitude towards the negro what it is? The following facts will help to answer this question: According to the census of 1900, her population of 381,768 was made up of 124,631 foreign-born people, 163,570 native whites of foreign parents, and 87,740 native whites of native parents. The last mentioned class was composed of those born of American parents, most of whom came from Connecticut and the New England States, where little prejudice was felt against the negro. The other two classes came from countries not so recently afflicted with the curse

of African slavery, and hence felt less antipathy towards its victims.

It seems to me as if this happy condition of affairs in Cleveland presents food for thought, not only to the white man in other cities, but to the negro as well. There are 80,000,000 of white people in this land and in round numbers 10,000,000 of colored people living amongst them. At the present time they are living in far from pleasant relations with each other. It would seem as if this spirit of compromise, fair play and good feeling, so evident in the relations of the two peoples of Cleveland, would be the desirable one for all concerned.

CHAPTER VI.

SYRACUSE, A NEGRO-HATING SMALL TOWN.

In Syracuse, the writer's boyhood home, a town of about 2,000 inhabitants, on the Ohio river four miles above Pomeroy, no negro is permitted to reside.[1] No negro is permitted to stay in the town over night under any consideration. This is an absolute rule at the present day, and such has been the custom for several generations. The enforcement of this unwritten law for keeping the negro from staying in the town over a single night is mostly in the hands of the boys from twelve to twenty years of age; but the attempt of a negro to become a resident of the town is resisted by the townspeople as a whole.

When a colored man is seen in the town during the day he is generally told of these traditions and is warned to leave before sun-down. If he fails to take heed, he is surrounded at about the time that darkness begins, and is addressed by the leaders of the gang in about this language: "No nigger is allowed to stay in this town over night. We don't care what you are here for. Get out of here now, and get out quick." He sees from twenty-five to fifty boys around him talking in subdued voices and waiting to see whether he obeys. If he hesitates, small stones begin to rain upon him from unseen quarters, and this soon persuades him to begin his hegira. He is not allowed to walk, but is told to "get on his little dog trot." The command is always effective, for it is backed by stones in the ready hands of boys none too friendly. So long as he keeps up a good gait, the crowd, which follows just at his heels, and which keeps growing until it sometimes numbers seventy-five to one hundred boys, is good-natured and contents itself with yelling, laugh-

[1] This article appeared in *The Independent*, New York, July 19, 1905.

ing and hurling gibes at its victim. But let him stop his "trot" for one moment, from any cause whatever, and the stones immediately begin to fall. Thus they follow him to the farthest limits of the town, where they send him on his way, while they return to the city with triumph and tell their fathers all about the function, how fast the victim ran, how scared he was, how he pleaded and promised that he would go and never return if they would only go back and leave him, how Johnnie Jones hit him with such a big rock that it knocked him down. Then the fathers tell how they used to do the same thing, and thus the heroes of two wars spend the rest of the evening by the old camp-fire, recounting their several campaigns.

The conditions in this town of Syracuse are unusual in several ways. All the surrounding towns have a considerable negro population. Just three miles below is the small town of Kerr's Run, which has more black residents than white. Most of them are afraid to go up to Syracuse even during the day-time, for the reputation of that town is known by almost every negro that works upon the Ohio river between Cincinnati and Pittsburg. Syracuse is the eastern terminal of the White Collar Line Steamboat system from Cincinnati. Many of the negro hands on this line are afraid to go up into the town to load salt and to get freight unless the steamboat officers are with them. When they want anything from the stores they usually try to hire some small boy to go for them.

One colored family lives in the country on a small farm just beyond the town limits. The father, whose name is Rush Johnson, came there during the Civil War, and he tells many stories of being brutally stoned and in other ways warned to leave the country. He was a courageous, industrious, and honest negro, and in a few years so won respect that he was permitted to stay without being molested. How-

ever, he and his children have never dared to come into the town after night.

The oldest son of this family, in resentment at an insult one day struck a white school-mate. He was pounced upon immediately by a mob of white boys, brutally beaten, and rolled over a steep embankment, sustaining many injuries. He left school, went West, worked his way through college and is now a minister of a negro church in Illinois.

A daughter of this family attended the high school in the class before that of the writer. Living within the limits of the high school special district she could not be debarred but she was practically "sent to Coventry." None of her schoolmates ever talked with her and they objected so much to sitting near her that the principal had to arrange a desk for her completely removed from the rest of the school. For weeks, it seemed, the poor girl never spoke a word from the time she got on the school grounds until she left. Through all these and many more discouraging circumstances the brave girl struggled on through her four years' course, passed her examinations, and was within two months of graduation when she was attacked by consumption and compelled to give up her school work. Then, for the first time, the heart of the town was touched by the sufferings of a colored person. All knew her case, and had seen her struggle; most had opposed her, but at last the sympathy of many was aroused. The board of education suspended its rule requiring the passing of final examinations and voted Miss Margaret Johnson her diploma. During these two months of illness before commencement she was not idle. For four long years she had gone to her school regularly, had studied her lessons and attended her classes, like the rest of her classmates; and during those years she, too, had thought of the night when she could stand before her friends (her family, of course, for none others of her race dared

come into the village) and could receive the diploma that would reward her for so many hours of toil. During the days of sickness, she produced her essay and asked that she might be permitted to read it along with her classmates, for she was always eager to do as they did, although she knew that she was among them but not of them. However bitter her thoughts, she never expressed them; never once had she complained of her treatment or shown resentment.

On the day when the long-looked-for commencement exercises were held, in June 1896, she appeared in a carriage, and was assisted to a front seat where she sat by the side of her father and two brothers, (her mother had recently died of the same disease that had seized upon her). She was too weak and ill to sit upon the platform with her twelve classmates, and so with sad but triumphant eyes sat facing them. Were they proud of her achievements? Far from it. Several of them until the last minute strenuously objected to graduation with a colored person, as though it were a disgrace.

Finally, the name Margaret Johnson was reached upon the program. Though aware that she would not be required to read her essay, she insisted upon doing her part. Rising from her seat she took a few steps forward but was unable to mount the platform: She turned where she was, and in a low voice, scarcely above a whisper, read her essay on the thread-bare topic "Perseverance," a theme that burned with meaning for her, the first and last of her race to stand before a Syracuse audience.

Thus she triumphed, the diploma was hers, granted on the same grounds as those of her classmates. She had done her part in winning respect for her race; but the sacrifice had to be paid. Two weeks after her triumph she died.

While this girl showed to the white people of the town that the negro might amount to something, that

he might possess some qualities that they admired, but did not always show themselves, yet she could not dispossess them of the prejudice that had been nourished by them for so many years. Still no negro lives within this town, no negro works beside the white man during the day, and no negro so much as breathes the night air within its gates. By the women the neroes are dreaded and feared, even in the day time. The little children are taught to fear the "Black Man" with all the horrors associated with that name. The writer has seen many a child in this town frightened almost into hysterics at the mere sight of a colored man.

Since the town was founded, about 1815, not a negro family has lived in it. About the year 1855 two negroes were employed as domestics by a family in the extreme lower end of the town, practically in the country, but they did not stay long. Since the Civil War two attempts have been made by negro families to settle in the town, but both were summarily driven out. The following incident will reveal the mode of dealing with such cases and the temper of the people.

About the year 1886 a colored man said that he was going to live in Syracuse, he had a right there, and he was going to show the people there that he was just as good as they were. Bringing his wife and his few household goods he put them into a small house which was only four or five doors from the writer's home. In the afternoon he was called upon, informed of the rule of the town, and told that he too must leave before night. He replied that he would live there as long as he wished. The word went over the town with wonderful rapidity, and the people immediately prepared to resent this affront to the town's dignity. As soon as darkness had come a large crowd of boys and men assembled before the house, calling for the occupant to come out. Growing impatient, the crowd went through the door with a rush. The negro was quickly

overpowered, separated from his wife, and marched into the street. There he received the order to march. He went to the edge of the town where he was left and told that he might sleep anywhere that he wished, so long as he was out of the town limits; that his wife would be guarded in the house over night; and that, if he were caught sneaking back before daylight, he would be hanged to the nearest tree. The next day he was allowed to return to the house, where he reloaded his goods and with his wife departed to seek a more hospitable town. This was the last attempt of a colored man to set up his household gods in the negro-hating town of Syracuse.

A BRIEF GENERAL SUMMARY.

Many people will think that conditions in the cities of Ohio are peculiar, and that they do not fairly represent the sentiment of the State at large in regard to the negro. That was my own impression before visiting the smaller places, but that impression did not prove to be correct. After studying conditions in Akron a town of 60,000 inhabitants, Portsmouth with 20,000 people, Chillicothe with 15,000, Urbana with 10,000, Xenia with 10,000, Delaware with 8,000, Pomeroy with 6,000, Richwood and Syracuse with 2,000 each and Point Isabel with 200, I feel justified in asserting that the feeling against the negro, as pictured in the chapters on Cincinnati, Dayton, Springfield, and Columbus, is the sentiment prevailing with few exceptions throughout the State of Ohio. Two exceptions I have given in the chapters on Cleveland and Syracuse.

Three of the towns that I visited—Akron, Galion, and Urbana—had witnessed the lynching of negroes in recent years. In all of these I found the prejudice much stronger than it was before the lynching, and the negroes fewer in number. In these towns, and also the others just mentioned, I found the same general condition of affairs as I have described fully in the preceding chapters.

In general the negro has nothing resembling equality with the white man in social life or in the industrial life. He is refused admittance to hotels, to theatres, to restaurants, to soda fountains; he is barred from labor unions and is compelled to make his living by odd jobs, domestic service, working as janitor, waiter, etc. In almost every city he is an inhabitant of the most undesirable outskirt.

BIBLIOGRAPHY.

The scope of the subject that has been investigated in this work is, in a sense, narrow. The subject has been race prejudice only, and this as found principally in Ohio. In view of this and the further fact that no such investigation has ever before been made on this subject, one may readily see that the bibliography for it is not extensive.

The separate county histories, which I thought would be one of the richest sources of information, proved to be almost valueless. Though many dozens of them were looked through carefully (and scarcely any of them were indexed), nothing of value was found. The newspapers on the other hand were especially valuable, as the subject is one calling for information on public opinion, which newspapers generally reflect. The laws passed by the different Legislatures, together with the journals of the two houses of the Legislature, were also most valuable in revealing the state of the public mind. The reports of the Supreme Court and lower courts of the State constituted the next best source. One other source to be especially mentioned is the journals of the two constitutional conventions of 1802 and 1851.

All of these sources and almost all of the others used in this work are to be found in the Ohio State Library in the State House at Columbus.

NEWSPAPERS AND PERIODICALS.

Cleveland Leader.

Cleveland Plain Dealer.

Cincinnati Enquirer.

Cincinnati Commercial Gazette.

Cincinnati—*The Emporium.*

Columbus—*Ohio State Journal.*

Columbus—*Ohio Statesman.*

Columbus Dispatch.

Indiana Statesman.

New York Evening Post.

Springfield, Mass., *Weekly Republican.*

The Blade, of Portsmouth, Ohio.

The Supporter, of Chillicothe, Ohio.

Ohio Educational Monthly.

Magazine of Western History, VI.

LAWS AND LEGISLATIVE JOURNALS.

Laws of Ohio (Annual Editions).
House Journal (Annual Editions).
Senate Journal (Annual Editions).

COURT REPORTS.

Ohio Reports.
Ohio Circuits.
Ohio Circuit Court Reports.
Ohio State Reports.
Weekly Law Gazette.
Wright's Reports.

(All of the above are to be found in the State Law Library in the State House at Columbus.)

CONSTITUTIONS AND CONVENTION JOURNALS.

Constitutions of 1802 and 1851.
Journal of Constitutional Convention of 1802—
Reprinted in index to Senate Journal of 1827.
Convention Debates, 1850-1851 (two volumes).

OTHER SOURCES.

Adjutant General's Reports.

Burnett, Jacob, *Notes on Northwest Territory.*

Barber, A. D., *A Report on the Condition of Colored People in Ohio,* 1840.

Census Reports.

Jay, William, *Miscellaneous Writings on Slavery.*

Minutes of the Convention of Colored People of Ohio at Columbus, 1849.

Niles' Weekly Register.

Ohio School Reports.

Proceedings of Ohio Anti-Slavery Convention held at Putnam, 1835.

Seward, William H., Works.

SECONDARY WORKS.

Bryce, James, *Impressions of South Africa.*

Bryce, James, *The Relation of the Advanced and Backward Races.*

Atwater, Caleb, *History of Ohio.*

Chaddock, R. E., *Ohio Before 1853.*

Cutler, J. P., *Life and Times of Judge Ephraim Cutler.*

DuBois, W. E. B., *The Souls of Black Folk.*

DuBois, W. E. B., *The Philadelphia Negro.*

Evans, Nelson W., *History of Scioto County.*

Evans, Nelson W. and Stivers, E. B., *History of Adams County.*

Fairchild, J. H., *Oberlin, its Origin, Progress and Results.*

Finot, *Race Prejudice.*

Hickok, Charles T., *The Negro in Ohio, 1802-1870.*

Historical Sketches of Ohio—Higher Educational Institutions.—Article by Daniel L. Payne.

Howe, Henry, *Historical Collections of Ohio.*

History of Ross and Highland Counties. Published 1880. (Author not given).
Lee, Alfred E., *History of the City of Columbus, Ohio.*
Merriam, *The Negro and the Nation.*
Miller, *Race Adjustment.*
Morris, B. F., *Life of Thomas Morris.*
Ovington, *Half a Man.*
Ohio, Archæological and Historical Publications.
Page, *The Negro The Southerner's Problem.*
Schucker, *Life of Chase.*
Sinclair, *The Aftermath of Slavery.*
Smith, *Political History of Slavery.*
Smith, T. C., *The Liberty and Free Soil Parties.*
Smith, W. B., *The Color Line.*
Stephenson, G. T., *Race Distinctions in American Law.*
Stone, Alfred Holt, *Studies in the American Race Problem.*
Waggoner, Clark, *History of the City of Toledo and Lucas County.*
Washington, Booker T., *Future of the American Negro.*
Washington, Booker T., *Up From Slavery.*
Williams, G. W., *History of the Negro Race in America.*
Wilson, Henry, *History of the Rise and Fall of the Slave Power in America.*

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Akron riot, 116.

Akron, suit for damages by negro for having to pay too high price for liquor at a saloon, 119.

Barber, A. D., report on condition of colored people of Ohio 1840, 48.

Berry, Dr. Wm. N. D., study of lack of industrial opportunity for negroes in Springfield, Mass., 8.

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